



## U.S. ELECTION ASSISTANCE COMMISSION

---

### FACSIMILE TRANSMITTAL SHEET

---

TO:

FROM:

John Boehner, House Majority  
Leader

Paul DeGregorio, Chairman

COMPANY:

DATE:

U.S. Congress

October 20, 2006

FAX NUMBER:

TOTAL NO. OF PAGES, INCLUDING COVER:

(202) 225-0704

4

SENDER'S PHONE NUMBER:

(202) 566-3106

RE:

---

☐ URGENT    ☐ FOR REVIEW    ☐ PLEASE COMMENT    ☐ PLEASE REPLY    ☐ PLEASE RECYCLE

---

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.

TRANSMISSION VERIFICATION REPORT

TIME : 10/20/2006 05:01  
 NAME :  
 FAX : 2025661389  
 TEL :  
 SER.# : I I I I I I I I I I

DATE, TIME 10/20 05:00  
 FAX NO./NAME 92257926  
 DURATION 00:00:38  
 PAGE(S) 04  
 RESULT OK  
 MODE STANDARD  
 ECM



U.S. ELECTION ASSISTANCE COMMISSION

FACSIMILE TRANSMITTAL SHEET

TO:

FROM:

Rep. Juanita Millender-McDonald,  
 Ranking Member, House  
 Administration

Paul DeGregorio, Chairman

COMPANY:

DATE:

U.S. Congress

October 20, 2006

FAX NUMBER:

TOTAL NO. OF PAGES, INCLUDING COVER:

(202) 225-7926

4

SENDER'S PHONE NUMBER:

(202) 566-3106

RE:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.

028092



## U.S. ELECTION ASSISTANCE COMMISSION

---

### FACSIMILE TRANSMITTAL SHEET

---

TO:

FROM:

Rep. Juanita Millender-McDonald,  
Ranking Member, House  
Administration

Paul DeGregorio, Chairman

COMPANY:

DATE:

U.S. Congress

October 20, 2006

FAX NUMBER:

TOTAL NO. OF PAGES, INCLUDING COVER:

(202) 225-7926

4

SENDER'S PHONE NUMBER:

(202) 566-3106

RE:

---

☐ URGENT    ☐ FOR REVIEW    ☐ PLEASE COMMENT    ☐ PLEASE REPLY    ☐ PLEASE RECYCLE

---

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.

TRANSMISSION VERIFICATION REPORT

TIME : 10/20/2006 05:02  
NAME :  
FAX : 2025661389  
TEL :  
SER.# : ~~XXXXXXXXXX~~

DATE, TIME  
FAX NO./NAME  
DURATION  
PAGE(S)  
RESULT  
MODE

10/20 05:01  
92258259  
00:00:39  
04  
OK  
STANDARD  
ECM



U.S. ELECTION ASSISTANCE COMMISSION

FACSIMILE TRANSMITTAL SHEET

TO:

FROM:

Nancy Pelosi, House Minority  
Leader

Paul DeGregorio, Chairman

COMPANY:

DATE:

U.S. Congress

October 20, 2006

FAX NUMBER:

TOTAL NO. OF PAGES, INCLUDING COVER:

(202) 225-8259

4

SENDER'S PHONE NUMBER:

(202) 566-3106

RE:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.

028094



# U.S. ELECTION ASSISTANCE COMMISSION

## FACSIMILE TRANSMITTAL SHEET

TO:

FROM:

Nancy Pelosi, House Minority  
Leader

Paul DeGregorio, Chairman

COMPANY:

DATE:

U.S. Congress

October 20, 2006

FAX NUMBER:

TOTAL NO. OF PAGES, INCLUDING COVER:

(202) 225-8259

4

SENDER'S PHONE NUMBER:

(202) 566-3106

RE:

☐ URGENT    ☐ FOR REVIEW    ☐ PLEASE COMMENT    ☐ PLEASE REPLY    ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.

TRANSMISSION VERIFICATION REPORT

TIME : 10/20/2006 05:03  
NAME :  
FAX : 2025661389  
TEL :  
SER. # : I I I I I I I I I I

DATE, TIME  
FAX NO./NAME  
DURATION  
PAGE(S)  
RESULT  
MODE

10/20 05:02  
92242262  
00:00:31  
04  
OK  
STANDARD  
ECM



U.S. ELECTION ASSISTANCE COMMISSION

FACSIMILE TRANSMITTAL SHEET

TO:

FROM:

Senator Trent Lott, Chair, Senate  
Rules and Administration

Paul DeGregorio, Chairman

COMPANY:

DATE:

U.S. Congress

October 20, 2006

FAX NUMBER:

TOTAL NO. OF PAGES, INCLUDING COVER:

(202) 224-2262

4

SENDER'S PHONE NUMBER:

(202) 566-3106

RE:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.

028096



## U.S. ELECTION ASSISTANCE COMMISSION

### FACSIMILE TRANSMITTAL SHEET

TO:

FROM:

Senator Trent Lott, Chair, Senate  
Rules and Administration

Paul DeGregorio, Chairman

COMPANY:

DATE:

U.S. Congress

October 20, 2006

FAX NUMBER:

TOTAL NO. OF PAGES, INCLUDING COVER:

(202) 224-2262

4

SENDER'S PHONE NUMBER:

(202) 566-3106

RE:

☐ URGENT    ☐ FOR REVIEW    ☐ PLEASE COMMENT    ☐ PLEASE REPLY    ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.



# U.S. ELECTION ASSISTANCE COMMISSION

## FACSIMILE TRANSMITTAL SHEET

TO:

FROM:

Senator Trent Lott, Chair, Senate  
Rules and Administration

Paul DeGregorio, Chairman

COMPANY:

DATE:

U.S. Congress

October 20, 2006

FAX NUMBER:

TOTAL NO. OF PAGES, INCLUDING COVER:

(202) 224-2262

4

SENDER'S PHONE NUMBER:

(202) 566-3106

RE:

☐ URGENT    ☐ FOR REVIEW    ☐ PLEASE COMMENT    ☐ PLEASE REPLY    ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.



Karen Lynn-Dyson/EAC/GOV  
06/23/2005 02:34 PM

To Gracia Hillman/EAC/GOV@EAC, Paul  
DeGregorio/EAC/GOV@EAC, Raymundo  
Martinez/EAC/GOV@EAC  
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.  
Thompson/EAC/GOV@EAC  
bcc:

Subject Fw: Peer Review Group

*July 12*  
*Before 930-1030*  
*break (in phone)*

Commissioners-

Enclosed please find a preliminary list of Peer Review Group members, whom Eagleton is considering for their Peer Review Group. Tom Wilkey will be bringing this item to you for discussion and input at Monday's Commissioner's meeting.

Eagleton envisions this Peer Review Group as the body that will review the draft analysis that it will prepare on provisional voting and on voter identification. The Group would also provide comment on the development of alternative approaches to provisional voting and voter identification which Eagleton will develop for the EAC.

I have included the e-mail from the Eagleton Project Director, Tom O'Neil, so that you could get a feel for his approach/philosophy to assembling the Group.

Regards-  
K

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/23/2005 02:25 PM -----



"Tom O'Neill"

06/22/2005 03:29 PM

To klynndyson@eac.gov

cc

Subject Peer Review Group

Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and balanced.

Attached is a list of potential PRG members drawn from academia, the law, and non-profit organizations with interests in this area. Please look it over.

We may conclude that the PRG should also include two or three former government officials now in academia or related fields. We have a conference call with our partners at Moritz planned for tomorrow or Friday to decide a) if former officials should be included in the PRG and b) if so, who they should be. I'll keep you informed of our thinking as it develops.

Tom

028099

## PROPOSED MEMBERS OF PEER REVIEW GROUP

**R. Michael Alvarez, Ph.D.**  
Professor of Political Science  
California Institute of Technology  
[REDACTED]  
[REDACTED]

Alvarez has taught political science at Caltech since 1992. He received his B.A. in political science from Carleton College; his M.A. and Ph.D. from Duke University. Alvarez focuses on the study of electoral politics. He has published many articles on electoral behavior and public opinion. Support for his research has come from the National Science Foundation, The IBM Corporation, the Carnegie Corporation, of New York, and the Knight Foundation. Alvarez edits the Analytical Methods for Social Research book series and is on the editorial boards of a number of academic journals. He is Co-Director of the Caltech-MIT Voting Technology Project

**Deborah Goldberg, Ph.D**  
Program Director, Democracy Program  
Brennan Center for Justice at NYU School of Law  
[REDACTED]  
New York, NY 10013  
[REDACTED]

Goldberg supervises the Democracy Program's litigation, scholarship, and public education. She was the principal author of *Writing Reform: A Guide to Drafting State & Local Campaign Finance Laws*, and was lead counsel to the intervenor in the Supreme Court case *Nixon v. Shrink Missouri Government PAC*. She serves on the Steering Committee of a coalition to restore voting rights to persons with past felony convictions. Goldberg is a graduate of Harvard Law School. Before joining the Brennan Center, she was in private practice. She holds a Ph.D. in philosophy and taught ethics at Columbia University.

**Martha E. Kropf, Ph.D.**  
Assistant Professor of Political Science  
University of Missouri-Kansas City  
[REDACTED]

Kropf has been on the faculty at Missouri since 1999. She received her BA Summa Cum Laude, Phi Beta Kappa from Kansas State University and her PhD in Political Science from American University. Her work concentrates on Research Methods, Urban Politics, American Government, and Political Behavior. Before joining the faculty at Missouri, she was Project Coordinator at the University of Maryland Survey Research Center. She has published recent on undervoting in presidential elections, and on invalidated ballots in the 1996 presidential election, and on the incremental process of election reform in Missouri.

**Wade Henderson, Esq.**  
Executive Director  
Leadership Conference on Civil Rights  
[REDACTED]

Washington, DC 20006  
Wade Henderson is the Executive Director of the LCCR and Counsel to the Leadership Conference on Civil Rights Education Fund (LCCREF), and leads the organizations' work on issues involving nationwide election reform. He is a graduate of Howard University and the Rutgers University School of Law. During its over 50 years of existence, LCCR has worked to redefine civil rights issues in broad and inclusive ways. Today, it includes over 180 national organizations. Previously Henderson served as Washington Bureau Director of the NAACP. He began his career as a legislative counsel of the ACLU.

**Kay Maxwell**  
President  
League of Women Voters of the U.S.  
[REDACTED]

Washington, DC 20036-4508

[REDACTED]  
Kay J. Maxwell has been a member of the League since 1976. She attended Smith College and earned a B.A. in International Relations from the University of Pennsylvania. She has conducted civic participation training for women leaders in Bosnia, Israel, the West Bank, Rwanda, Kuwait and Jamaica. She has also served as vice president at the International Executive Service Corps (IESC), an international economic development organization. She is a board member of DC Vote, and the New Voters Project.

**Tim Storey**  
Program Principal  
Legislative Management Program  
National Conference of State Legislatures

[REDACTED]  
Denver, CO 80230

[REDACTED]  
or [REDACTED]

Washington, D.C. 20001  
[REDACTED]

**Peter G. Verniero, Esq.**  
Counsel  
Sills, Cummis, Epstein and Gross, PC

[REDACTED]  
Newark, New Jersey 07102  
[REDACTED]

Verniero chairs the firm's Appellate Practice Group. He earned his B.A. at Drew University, Phi Beta Kappa, and his J.D. (with honors) at the Duke University School of Law. In 1999, he was appointed a justice of the New Jersey Supreme Court, where he served for 7 years before re-entering private practice. Before his appointment to the Supreme Court, he served as New Jersey's Attorney General, and in that capacity oversaw the state's election laws. He also served as Chief of Staff and Chief Counsel to Governor Christine Todd Whitman.

4 E/O 2D 2R 2L 2S  
for new State Board.

- Evergreen foundation
- other academics
- low cost housing

028101



PROPOSED MEMBERS OF PEER REVIEW GROUP.doc

028102

**STATUS OF PEER REVIEW GROUP RECRUITMENT**

(As of August 17, 2005)

<i>CONF</i>	<b>B R. Michael Alvarez, Ph.D.</b> Professor of Political Science California Institute of Technology	YES/CONFIRMED	<i>neutral</i>
	<b>B Guy-Uriel Charles</b> Associate Professor, School of Law University of Minnesota [REDACTED]	YES	<i>Liberal</i>
	<b>B Brad Clark</b> Professor of Law George Washington University School of Law	NO	<i>Conservative</i>
	<b>B Pamela Susan Karlan</b> Montgomery Professor of Public Interest Law Stanford Law School [REDACTED]	YES	<i>Left</i>
	<b>CJ Martha E. Kropf, Ph.D.</b> Assistant Professor of Political Science University of Missouri-Kansas City [REDACTED] <i>NWPC info</i>	YES/CONFIRMED	<i>Cons. Lbr</i>
	<b>B Daniel H. Lowenstein</b> Professor of Law UCLA [REDACTED]	YES	<i>Left</i>
	<b>B John F. Manning</b> Professor Harvard Law School	<div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;">NO</div> <div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;">NO RESPONSE</div>	
<i>Julie</i>	<b>Tim Storey</b> Program Principal Legislative Management Program National Conference of State Legislatures	YES/CONFIRMED	<i>Neutral</i>
	<b>B Peter G. Verniero, Esq.</b> Counsel Sills, Cummis, Epstein and Gross, PC (Former NJ Attorney General and Supreme Court Justice)	YES/CONFIRMED	<i>mod GOP?</i>

*Tim O'Rourke*

*yes*

*Cons*

Karen Lynn-Dyson/EAC/GOV  
09/02/2005 05:42 PM

To Paul DeGregorio/EAC/GOV@EAC, Thomas R.  
Wilkey/EAC/GOV@EAC  
cc Amie J. Sherrill/EAC/GOV@EAC  
bcc  
Subject Fw: New Peer Review Group Member

FYI-

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 09/01/2005 05:41 PM -----



"Tom O'Neill"

09/02/2005 04:48 PM

To tokaji.1@ [REDACTED], ireed@ [REDACTED],  
john.weingart@ [REDACTED], toley.33@ [REDACTED],  
rmandel@ [REDACTED], rmandel@ [REDACTED]  
cc klynndyson@eac.gov  
Subject New Peer Review Group Member

Tim O'Rourke, Dean of the Fulton School of Liberal Arts at Salisbury University in Maryland, has agreed to serve on the Peer Review Committee.

Tom O'Neill

028104

**TIMOTHY G. O'ROURKE**  
 Dean of the Fulton School of Liberal Arts  
 Salisbury University

E-MAIL

In July 2002, Timothy G. O'Rourke became the Dean of the Fulton School of Liberal Arts at Salisbury University, a comprehensive public university with nearly 7,000 students located on Maryland's Eastern Shore. The largest of the university's four schools, the Fulton School has about 120 full-time faculty and more than 1,800 undergraduate and graduate majors in ten academic departments and accounts for more than two-fifths of the University's credit hour production.



In the seven years before his arrival at Salisbury, Dr. O'Rourke was at the University of Missouri-St. Louis, where he was the Teresa M. Fischer Professor in Citizenship Education, a position established in 1995 in order to promote the informed participation of youth in community and governmental affairs. The inaugural recipient of this professorship, Dr. O'Rourke held a joint appointment as Professor of Educational Leadership and Professor of Political Science. From 1998 to 2002, he served as Executive Director of Kids Voting Missouri, a program in which nearly 68,000 Missouri elementary and secondary students went to official polling sites and voted alongside their parents in the November 7, 2000 presidential election.

From 1992 to 1995, Dr. O'Rourke was professor and head of Political Science at Clemson University. Prior to that, Dr. O'Rourke was, for 14 years, a faculty member in the University of Virginia's Center for Public Service. From 1985 to 1992, Dr. O'Rourke served as the Executive Director of the Virginia Commission on the Bicentennial of the U.S. Constitution. Commission projects included the national opening of Montpelier, Madison's home (1987); the "Constitution Train" to Philadelphia to mark "Virginia Day" (1987); production of *Worth Fighting For*, an Emmy-Award-winning documentary on the ratification struggle in Virginia (1988); the celebration of the 200<sup>th</sup> anniversary of the first federal elections (1989); the Virginia visit of Hungarian President Árpád Göncz to mark the "Global Legacy of the Bill of Rights" (1990); and production of *What No Just Government Should Refuse*, an Emmy-nominated documentary on the writing of the Bill of Rights (1991). From 1983 through 1986, Dr. O'Rourke directed "The Virginia Court Days Forums," a series for Virginia public television featuring town meetings on constitutional issues.

Professor O'Rourke is the co-author of *State and Local Government: The Third Century of Federalism* (1988) and author of *The Impact of Reapportionment* (1980), named by *CHOICE* as one of the Outstanding Academic Books of 1980. His articles on the federal Voting Rights Act have appeared in such journals as the *Rutgers Law Journal*, the *Virginia Law Review* and the *Journal of Law & Politics*. He has testified before both U.S. House and Senate committees on various voting issues and has served as an expert witness in voting rights litigation. In addition, he has staffed electoral reform commissions, including the Virginia Beach Mayor's Committee for Reapportionment (1990) and the Charlottesville Citizens' Committee to Study Council Changes (1980-81). During 1996-97, he served as advisor to the St. Peters Charter Commission, which drafted a home rule charter for that city. Dr. O'Rourke's teaching interests include state politics, school law, and voting rights and representation. He is a *Phi Beta Kappa* graduate of the University of Pittsburgh (1970) and holds a Ph.D. in Political Science from Duke University (1977). In 2002, Dr. O'Rourke joined four others in the inaugural Class of Distinguished Alumni recognized by the Tyrone Area School District (PA). Dr. O'Rourke and his wife Judy have five grown children and one grandchild and reside in Quantico, Maryland.

**Other Fulton Links:**

~~For Further Information, Contact:~~

028105

## Existing Research Analysis

There are many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. There is little research that is truly systematic or scientific. The most systematic look at fraud is the report written by Lori Minnite. The most systematic look at voter intimidation is the report by Laughlin McDonald. Books written about this subject seem to all have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists. It is hoped that this gap will be filled in the "second phase" of this EAC project.

Moreover, reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund's frequently cited book. Again, this is something that it is hoped will be addressed in the "second phase" of this EAC project by doing follow up research on allegations made in reports, books and newspaper articles.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate, but some reports say it is a major problem, albeit hard to identify.
- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.



## EAC Voting Fraud-Voter Intimidation Preliminary Research

- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

*Peer Review Group  
Summary of Comments  
To the Eagleton/Moritz Group  
Under Contract to Provide Research Assistance to the EAC*

*October 15, 2005*

The Peer Review Group (PRG) met by telephone conference on September 21. Those participating included: Michael Alvarez, John C. Harrison, Martha Kropf, Dan Lowenstein, Peter Verniero, Brad Smith, and Tim Storey. This summary also includes additional written remarks submitted by Martha Kropf and additional remarks from a follow-up phone call with Timothy O'Rourke. We are now addressing all the comments including, in some cases, returning to members of the group to seek further elaboration or clarification.

We encouraged the members of the PRG to comment about any aspect of the project. We furnished them with these materials before the meeting.

1. Survey of local (mainly county) officials conducted in June 2005.
2. State-by-state narrative of developments in provisional voting
3. Statistical Analysis of state provisional voting
4. Memorandum on Provisional Voting Litigation
5. Memorandum on Provisional Ballot Litigation by State
6. July Memorandum on Provisional Ballot Litigation by Issue

We suggested that PRG members rank our draft responses to each of the six key questions posed by the EAC along these lines:

- 1- Research supports conclusions well.
- 2- Research supports some conclusions. Specific questions are:
- 3- Research does not support conclusions. Major problems are:

On the Alternatives paper, we asked PRG members to list up to three items they found questionable in light of the research and their own knowledge of provisional voting and election administration and to give us their thoughts on alternative policies that we had no included.

General Suggestions

1. Make transparently clear the meaning of **'old' versus 'new' states**. It is not enough to categorize the states as such, we need to determine why specific states were considered 'old' or 'new' (i.e. clarify what conditions were met by old states).

2. Be **clear** in our report about the **data that we were unable to obtain** and perhaps speculate on why that data was not available. (For example, do we have the documentation the state election boards gave the localities regarding counting practices? If not, why not? Indicate the states for which it was difficult to obtain data.

3. Prescribe less and **describe more** (tell what voters/administrators have done, not what they should have done or ought to do).

4. Questioned our assumption about public trust – How do we know that decreases in disputes/challenges signify an increase in public trust? We need to explain this assertion.

#### Specific Review by Area of Analysis/Document

##### **Response to Statistical Review:**

- Challenged our emphasis on the number of provisional ballots counted as a percentage of those cast as an indication of success of Provisional Voting. Suggested alternative relationships to consider (PB v. Turnout, PB v. Registered Voters, and PB v. Voting age Population).
- Wanted the inclusion of variation within states among counties (and geographical considerations).
- The report needs to address the quality and validity of the data used in the analysis.
- On Page 8, cautioned using the estimate of 280,000 disenfranchised voters who would have voted if outside precinct voting was permitted.

##### **Response to Question Four:**

- Remove the comments in the footnote (p. 1) that offers an alternative way of analyzing the question relating to the possible increase in voter participation as a result of provisional voting because the margin of error in the Census survey does not support a conclusion at this level of significance.
- Address the alternative explanation for why old states may enfranchise more voters than new states (i.e. Kropf 's Failsafe option).
- Include a statistical summary of the relationship between the length of time a state has had PV and the rate at which votes are counted.

##### **Response to Question Five:**

- Is it possible to draw any conclusions about the local differences within and among states broken down by county (presumably 20 states worth)?

- Clarify what is meant by “design” and say how many states have/had provisional ballots that are designed differently and look different. Why is design important?
- Page 17 indicates that states with statewide voter databases end up validating fewer PVs. This is important & should be addressed in more detail.

#### **Response to Question Six:**

- On the usefulness of instructions, 98% said the instructions were useful. Make it clear that this represents 98% of the officials who got instruction.
- Is the passive voice the best means to communicate this information (for ex. "Second, objectively how well did the process appear to be managed?")

#### **Response to State Narratives:**

- When in doubt about whether we have data to support a sentence it is important to be careful about the language we use (say ‘doing XYZ would have revealed’ as opposed to ‘most of what we know about XYZ revealed’ ...)
- Clarify for the readers what is meant by "provisional vote/total vote". Does that mean provisional votes cast? Counted? Make it clear right at the beginning of every document?
- Footnote states that do not list poll sites or tell people where to vote with the fact that many cities/counties do have a poll finder.

#### **Election Official Survey**

- Clarify how we determined who to include in the sample and how we developed the questions in the survey (was a focus group an initial step?) Why were 3,800 election officials deemed eligible to participate (out of how many? 5,000 or so?)
- Clarify old and new states on pg. 2 in National Survey. Comment on how to assess fraud in provisional voting? What is the relationship between PV and turnout?
- Explore more issues about citizenship (18% non-citizen voting in CA)?
- Appendix A says survey was random, but it’s not. How was the data weighted for small, medium and large counties, and for other issues? Clarify this in the report.

- Why doesn't the total of new and old states equal 50 (25 and 18) and why does the National Survey of Election Officials have different numbers? Is FL an 'old' state?
- Are the New England states underrepresented in the survey? If so, why?
- Report should offer more information about the response rate.

#### **Alternatives Document**

- The importance of clarity in state processes for both administrators and voters needs to be better articulated.  
(Better training of poll workers, clarity whether failure to check boxes disqualifies voters, access to better info. at polling locations)
- Cautions the use of definitive statements (such as A-3, perhaps say "This raises the question of...").
- Have other EAC Guidelines been tested in court yet?
- On page 3: the 'tracking number' in # 6 is not feasible. Also, "the information" in # 12 should be changed to "the website and 800 numbers" for clarification.
- Page 6, there were disagreements about # 1 and # 2 of options in Sec. F regarding the installation of a separate body to rule on PV for the integrity process; a motion was made to get rid of them.
- Page 6, Sec. E option # 1 should be eliminated or clarified
- Add to Sec. F a '# 5' requiring states to provide detailed public info. on PV



---

# EAGLETON INSTITUTE OF POLITICS

---

*Contract to Provide Research Assistance to The EAC  
For the Development of Voluntary Guidance on  
Provisional Voting and Voter Identification Procedures*

## **MONTHLY PROGRESS REPORT** **September 2005**

**For**  
**UNITED STATES ELECTION ASSISTANCE COMMISSION**  
1225 New York Avenue N.W., Suite - 1100  
Washington, DC 20005

September 14, 2005

**Prepared by:**  
Eagleton Institute of Politics  
Rutgers, The State University of New Jersey  
191 Ryders Lane  
New Brunswick, NJ 08901-8557

028112

## OUTLINE

- Introduction
- Provisional Voting
  - Task 3.5
- Voter Identification Requirements
  - Task 3.10
  - Task 3.11
- Project Management
  - Task 3.1
- Financial Report

## INTRODUCTION

This report describes our progress from September 1 through September 30, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

We focused in September on refining our Provisional Voting research. This refinement was necessary to prepare a strong final analysis paper and develop alternative approaches to Provisional Voting based on the analysis. An important part of this refinement involved reconciling sometimes conflicting data on Provisional Voting from different sources, including the Election Day Study, which finally became available in September. With a clearer understanding of our data, we began the critical work of selecting alternatives to recommend to the EAC as guidance or best practices responsive to both our research and the needs of the Commission.

Three meetings this month helped us accomplish the necessary refinement. We briefed the EAC on our work on September 6, held the first meeting of the Peer Review Group (PRG) on September 21, and gained the benefit of the EAC's reaction to the September 6 briefing in a conference call on September 30.

The completion of our work on Provisional Voting has been delayed by the time needed to absorb and incorporate the findings of the EAC Election Day Study, to recruit and receive the comments of the PRG, and to receive the Commission's comments on the September 6 briefing. The schedule called for the release of the Election Day Study last spring, the submission of the Preliminary Guidance Document to the EAC's advisory boards in mid-September, and a public hearing on the Guidance Document in late October. We now plan to submit to the EAC a final draft of our report, a preliminary guidance document, and draft

best practices before the end of October. And we understand that after review of those materials, the EAC will decide whether to issue a guidance document or recommend best practices. Projecting a late November date for those decisions seems reasonable. If the EAC does decide to issue a Guidance Document on Provisional Voting, the time needed for a review by the advisory boards is likely to delay a public hearing until January.

While we have made a good start on the Voter ID sections of our research, most time and resources this month were dedicated to resolving issues involved in Provisional Voting.

This report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting.

Please direct questions or comments about this report to Tom O'Neill at:  
tom\_oneill@verizon.net or (908) 794-1030.



## **PROVISIONAL VOTING**

Tasks 3.4 – 3.9 in our contract relate to Provisional Voting. Work on the first of these must be complete before proceeding to later tasks. Task 3.4 was completed in August, and Task 3.5 is well underway.

**Task 3.5: Analysis and Alternative Approaches. Assess the potential, problems, and challenges of Provisional Voting and develop alternative means to achieve the goals of Provisional Voting.**

### **LEGISLATION, REGULATIONS, AND LITIGATION**

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. This information constitutes the compendium of legislation, administrative regulations, and case law called for under this task. It has provided a base of understanding for the analysis of states' actual experience with Provisional Voting in 2004, for which the Eagleton team has lead responsibility.

**Description:** The Moritz team has created a 50-state chart to summarize information on Provisional Voting, compiled statutes, case law and administrative procedures regarding Provisional Voting and is near completion with this research.

**Progress:** We have completed the memorandum outlining Provisional Voting legislative changes since the 2004 election and we are continuing to clarify the laws prior to these changes.

**Challenges:** The variety in the form and frequency of Provisional Voting legislation from state to state makes creating a snap-shot view across states a challenge.

**Work Plan:** The analysis of the information, data, and survey results concerning Provisional Voting was completed in September, on schedule. We are now revising it in response to comments by the Peer Review Group (PRG). We are also revising the alternatives document to reflect the critique of the PRG and the guidance from the EAC in response to the September 6 briefing.

### **PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING**

The Eagleton team has researched and compiled a narrative of each state's experience with Provisional Voting in 2004. The report findings from the survey of 400 local election officials are now complete. The survey results have proven to be instrumental in shaping our

understanding of actual practice in administering Provisional Voting, including the steps local officials took to prepare for the election.

### **PROVISIONAL VOTING NARRATIVES**

**Description:** To construct the narratives, a researcher examined newspaper accounts, state websites, and reports from third-party organizations to gather information on the experience with Provisional Voting in the 2004 election. To organize the information derived from this examination, we created an information system that catalogues information about the states (i.e. whether a state was new to Provisional Voting, the percentage of provisional votes counted, the method of notifying voters if their vote was counted, etc.) and combined it with Moritz's collection and analysis of statutes, regulations and litigation.

**Progress:** We completed a state-by-state narrative of developments in Provisional Voting and distributed it to the EAC and the PRG. This work has been helpful in understanding the context of the data collected on provisional voting from the states.

**Challenges:** The primary obstacle to constructing the narratives was difficulty in communicating and obtaining necessary information from various state officials. As a result, the narratives underwent several revisions to incorporate up-to-date and reliable information. Now that so many other analyses, including the Election Day Survey, have been released, we were challenged by different interpretations of the same basic facts. But the reconciliation of interpretation and data collection has been invaluable in establishing rigor in our report.

**Work Plan:** We completed revisions of the narratives incorporating comments from the PRG.

### **PROVISIONAL VOTING STATISTICAL ANALYSIS**

**Description:** Throughout September the Eagleton research team revised and clarified its statistical analysis, and worked to reconcile the classifications of this analysis (such as states counting only those provisional ballots cast within the proper precinct versus states that counted ballots cast within the proper county) with the classification made in other parts of this study or in other studies (such as the Election Day Study or *Electionline* reports).

**Progress:** In response to comments from the PRG, we have clarified and sharpened the presentation on the methods used and results achieved in the statistical analysis. We have double checked the classification of variables upon which the study is based and reconciled differences in various areas of the overall study. This effort is nearing completion.

**Challenges:** The difficulties encountered have been a result of communication delays and time constraints. Overall, these are not problems or hindrances, but simply slow down the process.

**Work Plan:** In mid-October we aim to complete a final revision of the statistical analysis and a full reconciliation of all data within the study.

### **SURVEY OF COUNTY ELECTION OFFICIALS**

**Description:** The Eagleton Center for Public Interest Polling (CPIP) conducted a national survey of county election officials to measure several aspects of Provisional Voting.

**Progress:** The analysis of the survey results and findings report is complete. As a result of the critique by the PRG, the research team is revising and clarifying the descriptions of the survey design and sample selection process to make the research methods more transparent.

**Work Plan:** We used the information from the survey in drafting the analysis and alternatives document required under Task 3.5. We will include necessary clarifications regarding survey design and sample selection in the final analysis and alternatives document.

### **Peer Review Group**

Most members of the PRG met by telephone conference on September 21 to comment on all the research described above. Participating in the meeting were Michael Alvarez, Martha Kropf, Dan Lowenstein, Peter Verniero, Brad Smith, and Tim Storey. Timothy O'Rourke contributed his comments separately. The group provided a detailed critique of our approach, methods, and conclusions, and we are now revising each document in response to the comments and suggestions. It praised the quality of the work and the rigor of much of the analysis. A summary of the suggestions from the members of the PRG is attached to this report.

### **Challenges and Work Plan**

Making arrangements for review of drafts by the PRG and by the EAC has taken longer than anticipated by the Work Plan. The schedule called for all research and analysis to have been completed and incorporated into a Draft Preliminary Guidance Document by mid September. The review process by the EAC and PRG took longer than contemplated by the Work Plan. And we now understand that the EAC will make a separate decision --that will require additional time-- whether to issue a Guidance Document or recommendations for best practices. It has not, therefore, been possible to schedule a public hearing or arrange for review of our work by the EAC's advisory boards, as called for in the Work Plan. We now aim to complete our reports and recommendations for guidance by the end of October, and to then await a response from the EAC before scheduling submission to the advisory boards or making arrangements for a hearing.

## VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. The research on Voter ID requirements is proceeding concurrently with our work on the experience of Provisional Voting, and is becoming the principal focus of our research.

### Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation with regard to Voter Identification Requirements. This collection of material is nearing completion. It will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

**Description:** The Moritz team has compiled statutes on Voter Identification, and will provide a summarized analysis of this research to the project team for review.

**Progress:** The 50 State (plus the District of Columbia) chart has been completed, the voter identification statutes have been collected for all states and D.C., and summaries of the existing voter identification statutes have been written for all states and D.C.

**Challenges:** Identifying the relevant statutes has been challenging because of the different terminology used from state to state to codify voter identification issues, and because many states have scattered election law provisions throughout their codes. This variety from state to state makes creating a snap-shot view across states a challenge.

**Work Plan:** Analysis of voter identification data will begin now.

### SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter ID in the states; and second, estimating the effect on turnout of different voter ID regimes. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern and a sharp political debate over rigorous identification requirements for all voters. The research follows these developments both to monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

Individual narratives for the states with significant activity in voter ID will provide a resource for understanding the wide range of experience in the 2004 election. The narratives will include an appraisal of the prevalence and nature of vote fraud, a focus of the concern with increasing the rigor of voter ID requirements. We understand that the EAC has issued a

research contract that will focus on vote fraud and vote suppression. Our research in this area will be limited to developing an understanding of the tradeoffs between ballot security and access to the ballot. We have completed the basic database on voter identification issues has been completed, and the next key step will be drafting the first narratives.

### **VOTER ID AND TURNOUT ANALYSIS**

The second supplemental analysis will provide objective information on a contentious feature of the debate over voter ID in the states: the effects of more rigorous voter ID regimes on voter turnout and the relationship between the voter ID regime and vote fraud. As part of this effort, Eagleton is undertaking a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

**Description:** We have created a database and gathered statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election.

**Progress:** The collection of data for the Voter ID-Turnout analysis is complete. The assembled database contains population demographic data, voter registration data and voter turnout data from all 50 states, 3113 Counties, and the District of Columbia. We have also utilized exit poll data collected on Election Day 2004 as a resource for understanding the demographics of voter turnout.

**Challenges:** The analysis of these data has been postponed until the data reconciliation of Provisional Voting is complete. The main challenge now is an issue of time management. As a result of the extensive revision and data reconciliation efforts aimed at the Provisional Voting section of our work VID has been temporarily placed on hold.

**Work Plan:** The analysis of the impact that voter identification requirements have upon voter turnout should be completed by early November.

## **PROJECT MANAGEMENT**

### **PEER REVIEW GROUP**

**Description:** A feature of our proposal was the creation of a PRG. It reviews our research and methodology and provides valuable feedback and suggestions for the direction of our work.

**Progress:** The research team held its first conference call with PRG members on September 19, 2005. The research team will hold a workshop meeting on October 19, 2005 to address the PRG's comments.

**Challenges:** To date we still have not heard back from two PRG Members.

**Projections:** Revisions and clarifications to our reports on Provisional Voting will be resolved by the end of October. We will need to schedule a second conference call to review our research with regard to Voter Identification Requirements in late November. As noted earlier, a summary of the comments we have received from the PRG is attached to this report.

### **COORDINATION AND INFORMATION MANAGEMENT**

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

#### **INFORMATION SYSTEM**

**Description:** The statutory data and reports prepared by the Moritz College of Law is being merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding Provisional Voting and voter identification.

**Progress:** At this point in the research process, many documents are complete after a lengthy process of circulating drafts among team members. We have reorganized our system by separating final drafts from earlier versions of documents, discarding dated files contained in the Information System, and updating the system as a whole.

**Projections:** The entire project team continues to use the Information System which contains the above referenced research, in working toward the preparation for our final reports to the EAC.

#### **INTRANET**

**Description:** All project team members have signed on to the Intranet site. The Intranet facilitates the exchange of information and collaboration among project participants.

**Progress:** Project team members regularly post drafts, completed materials and spreadsheets online for internal review. The intranet has helped team members and serves as an internal website with announcements and important documents readily available to all team members.

#### **FINANCIAL REPORT**

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project September 1- September 30, 2005, will be sent under separate cover to: Ms. Dianna Scott, Administrative Officer at the EAC.

Thun disim

**Job Description**

**U.S. Election Assistance Commission (EAC) Voter Fraud and Voter Intimidation Project Consultant**

The U.S. Election Assistance Commission (EAC) seeks to identify a senior-level project consultant to develop various project activities and studies related to U.S. election voter fraud and voter intimidation. *11/06/05 241*

The consultant must have knowledge of voter fraud and intimidation along with an understanding of the complexities, nuances and challenges which surround the topics. The EAC is particularly interested in candidates with experience in elections, with public policy and the law. The consultant must be able to demonstrate an ability to approach the issues of voter fraud and intimidation in a balanced, nonpartisan fashion.

This consultant, whose contract would run for the period June-November, 2005, would be responsible for:

- Identifying and convening a working group of key individuals and organizations knowledgeable about the topics of voter fraud and intimidation;
- Developing a project scope of work and a project work plan related to voter fraud and intimidation;
- Authoring a report summarizing the key findings of this preliminary study of voter fraud and intimidation. The report will also include suggestions for specific activities the EAC may undertake around these topics. *research* *and X*

From this initial research and exploration of these topics the consultant may be retained to help oversee research projects and contracts EAC may develop on the topics of voter fraud and intimidation.

EAC's consultant fees are competitive and are awarded based on the candidate's relevant background and experience.



**STATUS OF PEER REVIEW GROUP RECRUITMENT**

(As of August 17, 2005)

**R. Michael Alvarez, Ph.D.**

Professor of Political Science  
California Institute of Technology  
Name not found on opensecrets.org or fec.gov  
Professional bio attached

YES/CONFIRMED

*Conny McCormick*

*Dew.  
(not because)  
Jennifer Collins Foley  
cell (540) 379-9974*

**Guy-Uriel Charles**

Associate Professor, School of Law  
University of Minnesota  
612-626-9154  
Name not found on opensecrets.org or fec.gov  
Bio attached

YES

**Brad Clark**

Professor of Law  
George Washington University School of Law  
Name not found in opensecrets.org or fec.gov  
Bio attached

NO

**Pamela Susan Karlan**

Montgomery Professor of Public Interest Law  
Stanford Law School  
650-725-4851  
Name not found on opensecrets.org or fec.gov  
Bio attached

YES

**Martha E. Kropf, Ph.D.**

Assistant Professor of Political Science  
University of Missouri-Kansas City  
816-235-5948; KropfM@umkc.edu  
Name not found on opensecrets.org or fec.gov  
CV attached (member of NWPC – issue info attached)

YES/CONFIRMED

**Daniel H. Lowenstein**

Professor of Law  
UCLA  
310-825-4841  
Name not found on opensecrets.org or fec.gov  
Bio attached

YES

**John F. Manning**

Professor  
Harvard Law School  
Contributed \$500 to NRCC in 2002 as per opensecrets.org and fec.gov  
Bio attached

NO RESPONSE

*Robert  
Montgomery - Poli Sci Univ of MO*

028123

*Bipartisan  
Org. bio requested*

**Tim Storey**

Program Principal

Legislative Management Program

National Conference of State Legislatures

Possible contribution of \$250 to Kerry camp. In 2004 (not sure if same person)

No bio found

**YES/CONFIRMED**

*NCSC for Bio*

*NATALEE O'Donnell*

*Leg. Mgmt Program*

*303 364-7700*

**Peter G. Verniero, Esq.**

Counsel

Sills, Cummis, Epstein and Gross, PC

(Former NJ Attorney General and Supreme Court Justice)

Name not found on opensecrets.org or fec.gov

Bio attached

**YES/CONFIRMED**

Peer Review Info - Peer Review  
ID Requirements

## Biographical Sketch

R. Michael Alvarez, Ph.D.

Professor of Political Science

Division of the Humanities and Social Sciences

R. Michael Alvarez was selected by *Scientific American* magazine to be on the 2004 "Scientific American 50" for his outstanding scientific and technological contributions to help improve the U.S. voting system. He has taught political science at Caltech since December 1992. He received his B.A. in political science in 1986 from Carleton College; he received his M.A. and Ph.D. from Duke University in 1990 and 1992, respectively. Alvarez was named an Associate Professor in April 1995, received tenure in June 1997, and was promoted to Professor in March 2002. Alvarez has focused most of his research and teaching on the study of electoral politics in the United States. His first book, *Information and Elections*, was published in the spring of 1997: This project examined the question of how much American voters know about presidential candidates and how they obtain that information. His second book, *Hard Choices, Easy Answers* (with John Brehm), is a study of American public opinion about divisive social and political issues. His recent book (published January 2004), *Point, Click, and Vote: The Future of Internet Voting* (with Thad E. Hall), published by Brookings Institution Press, examines the controversies swirling around the Internet voting in the United States. He has also published many articles on electoral behavior and public opinion in the United States and other advanced industrial democratic nations.

Alvarez has received a number of honors and grants for his work. He was named the "Emerging Scholar" by the American Political Science Association's Voting Behavior and Public Opinion Section in 2002. He was a John M. Olin Faculty Fellow (1994-95) as well as a John Randolph Haynes and Dora Haynes Faculty Fellow (1994, 1997, 1999, 2002). Alvarez received the Sprague Award with John Brehm for their work on public opinion, and the Durr Award with Jonathan Nagler for their work on modeling elections. Also, Alvarez has received financial support for his research from the National Science Foundation, The IBM Corporation, the Carnegie Corporation of New York, and the Knight Foundation. Alvarez edits the Analytical Methods for Social Research book series and is on the editorial boards of a number of academic journals: *American Journal of Political Science*, *American Politics Quarterly*, *Election Law Journal*, *Political Behavior*, *The Journal of Politics* and *Political Research Quarterly*. He was the editor of *The Political Methodologist*, 1993-96.

Professor Alvarez is Co-Director of the Caltech-MIT Voting Technology Project, researching technological solutions to electoral problems, and is the Principal Investigator of the "Secure Electronic Registration and Voting Experiment" Evaluation. He has been an expert witness in a series of recent court cases, including California's defense of the blanket primary (*California Democratic Party v. Jones*), *Bradley v. Compton*, and *Cano v. Davis*. He has testified before a number of organizations, including the U.S. Senate. He was an outside consultant for Knight Ridder on their 2000 Hispanic Voter Poll, and in 2004 is a consultant to Greenberg, Quinlan, Rosner Research Inc. in their research on the Hispanic electorate. Alvarez is a frequent guest on Pasadena's National Public Radio affiliate, KPCC-FM, and writes opinion pieces for local newspapers. He has been interviewed for National Public Radio, Jim Lehrer's NewsHour, CNN, ABC, NBC News, and for many state, national and international newspapers.

02812  
C. Alvarez

028127

THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL  
WASHINGTON DC



**Bradford R. Clark**  
Professor of Law

Email: [REDACTED]

Telephone: [REDACTED]

**Education:** B.A., Florida State University; J.D., Columbia University

**Biographical sketch:** Before coming to the Law School in 1993, Professor Clark spent several years practicing law in the Washington, D.C., office of Gibson, Dunn & Crutcher, where he specialized in appellate litigation. Previously, Professor Clark served as an attorney adviser in the Department of Justice's Office of Legal Counsel, where he provided legal advice to the president, the attorney general, and the heads of executive departments. Professor Clark also served as a law clerk to Judge Robert H. Bork of the U.S. Court of Appeals for the D.C. Circuit and to Supreme Court Justice Antonin Scalia. Professor Clark teaches and writes in the areas of civil procedure, constitutional law, and federal courts.

**Current Semester Courses:** Civil Procedure I , Law Review

© 2005 The George Washington University Law School

## Stanford Law School



ADMINISTRATION

ALUMNI

FACULTY

STUDENTS

ADMISSIONS

FINANCE

GRANTS

LIBRARY

OFFICE OF THE DEAN

PROFESSIONAL SERVICES

STUDENT SERVICES

ABOUT SLS

QUESTIONS?

SLS INTRANET

MAKE A GIFT TO SLS

STANFORD UNIVERSITY

650/725-4851

FACULTY

**Pamela S. Karlan**

*Kenneth and Harle Montgomery Professor of  
Public Interest Law*

[karlan@stanford.edu](mailto:karlan@stanford.edu)  
650/725-4851

**Education**

- BA, Yale, 1980
- MA, Yale, 1984
- JD, Yale, 1984

**Employment History**

- Clerk to Judge Abraham D. Sofaer, U.S. District Court, Southern District of New York, 1984-85; to Justice Harry A. Blackmun, U.S. Supreme Court, 1985-86
- Assistant Counsel, NAACP Legal Defense & Educational Fund, 1986-88; Cooperating Attorney, 1988-
- Associate Professor, U. of Virginia, 1988-93; Professor, 1994-98
- Visiting associate Professor, Yale, 1992; NYU 1993
- Visiting Professor, Harvard, 1994-95; Stanford 1996; U. of Virginia, 2002
- Joined the Stanford faculty in 1998; Academic Associate Dean, 1999-2000; Montgomery Professor, 1999-
- Commissioner, California State Fair Political Practices Commission, 2003—

**Professional Affiliations**

- Member, American Law Institute
- Cooperating Attorney, NAACP Legal Defense & Educational Fund
- Commissioner, California Fair Political Practices Commission

**Honors and Awards**

- University of Virginia All-University Outstanding Teaching Award, 1995-96
- State Council on Higher Education in Virginia

**Outstanding Faculty Award, 1997**

- The Public Sector 45, *American Lawyer*, 199
- John Bingham Hurlbut Award for Excellence Teaching, Stanford, 2002

**Principal Subjects**

- Constitutional law
- Constitutional litigation
- Civil rights and antidiscrimination law
- Legal regulation of the political process
- The Supreme Court

**Courses**

- Constitutional Law I
- Constitutional Litigation
- Supreme Court Litigation Clinic
- Supreme Court Term

**Curriculum Vitae**

**Selected Publications**

- The Law of Democracy: Legal Structure of th Political Process, rev. 2d. ed. 2002 (with Samuel Issacharoff and Richard H. Pildes)
- Civil Rights Actions: Enforcing the Constitutic 2000 (with John C. Jeffries, Jr., Peter W. Low and George A. Rutherglen)
- "Easing the Spring: Strict Scrutiny and Affirmative Action After the Redistricting Cases," 43 Wm. & Mary L. Rev. 1569 (2002) (Cutler Lecture)

Copyright © 2005 by the Board of Trustees of Leland Stanford Junior University

028129

# Dr. Martha E. Kropf

Department of Political Science  
University of Missouri-Kansas City

<b>Appointment</b>	<b>University of Missouri-Kansas City</b> , Assistant Professor of Political Science (Research Methods, Urban Politics, American Government, Political Behavior) August 1999-present.
<b>Education</b>	<b>American University</b> Ph.D., Political Science, May 1998 Fields: American Government, Policy Analysis, and Public Economics Dissertation: "Viewers Like You: Community Norms and Contributions to Public Broadcasting"
	<b>Kansas State University</b> B.A. in Journalism and Political Science Graduated in May 1991, Summa Cum Laude, Phi Beta Kappa
	<b>Inter-University Consortium for Political and Social Research</b> , Statistics Classes, June/July 2000. Classes: "Maximum Likelihood Estimation" and "Scaling and Dimensional Analysis"
<b>Past Employment</b>	Project Coordinator, University of Maryland Survey Research Center May 1997-July 1999 <ul style="list-style-type: none"><li>• Worked with all aspects of survey research, specializing in questionnaire design</li><li>• Worked directly with clients to design survey instruments</li><li>• Ensured that surveys were completed on schedule and within budget</li><li>• Coordinated projects for clients such as the Harvard School of Public Health, the Maryland Department of Public Health, and the Prince George's County, MD Public Schools</li></ul>
<b>Classes Taught</b>	PS 302: Political Research and Analysis PS 305: Survey Research and Analysis (Service Learning class) PS 309: Public Opinion and Voting Behavior PS 315: Public Policy PS 438: Urban Politics PS 505: Scope and Methods of Political Science (graduate level methodology) PS 524: Urban Politics (graduate level)
<b>Publications</b>	<b>Articles</b> Kropf, Martha and Johnny Blair. "Testing Theories of Survey Cooperation: Incentives, Self-Interest and Norms of Cooperation." Forthcoming. <i>Evaluation Review</i> .  Knack, Stephen and Martha Kropf. 2003. "Roll Off at the Top of the Ballot: Intentional Undervoting in American Presidential Elections." <i>Politics &amp; Policy</i> 31(4): 575-594.  Kropf, Martha and Stephen Knack. 2003. "Viewers Like You: Community Norms and Contributions to Public Broadcasting." <i>Political Research Quarterly</i> 56(2): 187-195.  Knack, Stephen and Martha Kropf. 2003. "Invalidated Ballots in the 1996 Presidential Election: A County-Level Analysis." <i>Journal of Politics</i> . 65(3): 881-897.



**Publications**

**Articles, continued**

- Kropf, Martha, E. Terrence Jones, Matt McLaughlin and Dale Neuman. 2003. "The 2002 Missouri Senate Race." *PS Online*, <http://www.apsanet.org/PS/july03/kropf.pdf>. Abstract reprinted in *PS: Political Science and Politics*, July 2003: 407.
- Knack, Stephen and Martha Kropf. 2002. "Who Uses Inferior Voting Technology?" *PS: Political Science and Politics*. September: 541-548.
- Kropf, Martha E. and John A. Boiney. 2001. "The Electoral Glass Ceiling: Gender, Viability and the News in U.S. Senate Campaigns." *Women & Politics*, Vol. 23(1/2): 81-105; reprinted in *Women and Congress: Running, Winning and Ruling*, edited by Karen O'Connor, 2001, New York: The Haworth Press, pp. 79-103.
- Jones, Terrence E., Martha Kropf, Dale Neuman, Maureen Gilbride and Chris Elkin "The Presidential Primaries in Missouri." *PS Online*, <http://www.apsanet.org/PS/june01/jones.cfm> June 2001. Abstract reprinted in *PS: Political Science and Politics*, June 2001, p.271.
- Kropf, Martha E., Anthony Simones, E. Terrence Jones, Dale Neuman, Allison Hayes and Maureen Gilbride Mears). "The 2000 Missouri Senate Race." *PS Online*, <http://www.apsanet.org/PS/june01/kropf.cfm> June 2001. Abstract reprinted in *PS: Political Science and Politics*, September 2001, p. 600.
- Knack, Stephen and Martha Kropf. 1998. "For Shame! The Effect of the Community Cooperation Context on the Probability of Voting." *Political Psychology* 1998(19): 585-599.
- Dolan, Julie, Marni Ezra, Martha Kropf and Karen O'Connor. 1997. "The Future of Our Discipline: The Status of Doctoral Students in Political Science." *PS: Political Science and Politics* 1997(XXX): 751-756.
- Blendon, Robert J., John T. Young, Marie C. McCormick Martha Kropf and Johnny Blair "Americans' Views on Children's Health." *Journal of the American Medical Association*, December 23/December 30, 1998, pp. 2122-2127.

**Book Chapters**

- Knack, Stephen and Martha Kropf. "The Use of Inferior Voting Technology: The Election Reform Myth" in *The Florida President Recount Controversy and Election Reform in the U.S.*, edited by Henry Brady and Bernard Grofman. (Forthcoming, N.D., Cambridge University Press.)
- Kropf, Martha. "Dogs and Dead People: Incremental Election Reform in Missouri." In *Election Reform: Politics and Policy*, edited by Daniel J. Palazzolo and James W. Ceaser, (Forthcoming, 2004, Lexington Books).
- Kropf, Martha. "Question Wording and Context Matters" forthcoming, *The Encyclopedia of Public Opinion Research* (forthcoming, Fall 2004, ABC-CLIO).
- Kropf, Martha. "Methods of Collecting Survey Data," forthcoming, *The Encyclopedia of Public Opinion Research* (forthcoming, Fall 2004, ABC-CLIO).

**Book Chapters, continued...**

Kropf, Martha and Stephen Knack. 2004. "Balancing Competing Interests: Voting Equipment in the 1996 Presidential Election." in *Counting Votes: Lessons from the 2000 Presidential Election in Florida*, edited by Robert P. Watson, (University of Florida Press).

Kropf, Martha, E. Terrence Jones, Matt McLaughlin and Dale Neuman. 2004. "Battle for the Bases: The 2002 Missouri Senate Race." In *The Last Hurrah: Soft Money and Issue Advocacy in the 2002 Congressional Election*, edited by David Magleby and Quin Monson, Brookings Institution Press.

Kropf, Martha E. 2003. "Talent Defeats Carnahan in the Show-Me State." In *The Roads to Congress 2002*, edited by Sunil Ahuja and Robert Dewhirst, BookMasters, Inc.

Robinson, John P. and Martha Kropf. 1999. "Specialized Political Attitude Scales." Appendix to Chapter 1 of *Measures of Political Attitudes*, edited by John P. Robinson, Phillip R. Shaver, and Lawrence S. Wrightsman, The Academic Press.

**Publications**

**In Progress**

**Articles Under Review**

Kropf, Martha, Janine Parry, Jay Barth and E. Terrence Jones. "Pursuing the Early Voter: Which Bird Gets the Worm?" Revise and resubmit.

Kimball, David and Martha Kropf. "Ballot Design and Unrecorded Votes in the 2002 Midterm Election." Under review.

Kropf, Martha and Stephen Knack. "Technological Trade-offs: The Effects of Second Chance Technology on the Probability of Voting." Under review.

Parry, Janine, Jay Barth, Martha Kropf and E. Terrence Jones. "Mobilizing Voters: A Dynamic Model of Campaign Effects." Under review.

**Book in Progress:**

*Viewers Like You: Community Norms and Contributions to Public Broadcasting.*

**Book Reviews**

Kropf, Martha. 2003. Book review of *Mediated Politics: Communication in the Future of Democracy*, Edited by W. Lance Bennett and Robert M. Entman. *Journal of Politics*, 65(3): 940-942.

Kropf, Martha. 1999. Book Review of *Reflections on Statistics: Learning, Teaching and Assessment in Grades K-12*, Edited by Susanne P. Lajoie. *Journal of Official Statistics*. 15(3): 466-468.

**Monographs/  
Grant Reports**

Jones, E. Terrence, Martha Kropf, Matt McLaughlin and Dale Neuman. 2003. "The Missouri Senate Race." In *The Last Hurrah: Soft Money and Issue Advocacy in the 2002 Congressional Elections*, edited by David B. Magleby and J. Quin Monson. Report of a Grant Funded by the Pew Charitable Trusts, Center for the Study of Elections and Democracy: Brigham Young University.

Kimball, David and Martha Kropf. 2002. "Federal Election Reform Bill Will Require Action by Missouri." Missouri Legislative Academy Issue Brief, #02-02.

**Kropf Vitae, page 4 of 9**  
**Monographs, continued...**

Kropf, Martha, Jennifer Wilding and Valley Renshaw. 2002. "Kansas City Consensus Issue Identification Survey." Grant Report to Center for the City, University of Missouri Kansas City and Kansas City Consensus.

Kropf, Martha and Johnny Blair. "There's No Place Like Home: Using Time Diary Data to Predict Respondent Availability." *2000 Proceedings of the American Statistical Association: Section on Survey Research Methods*, Alexandria, VA.

Kropf, Martha, Anthony Simones, E. Terrence Jones, Dale Neuman, Allison Hayes, and Maureen Gilbride Mears. 2001. "The 2000 Missouri Senate Race," in *Soft Money and Issue Advocacy in the 2000 Congressional Elections*, edited by David B. Magleby. Report of a Grant Funded by the Pew Charitable Trusts, Center for the Study of Elections and Democracy: Brigham Young University.

Jones, E. Terrence, Martha Kropf and Dale Neuman. 2001. "The Presidential Primaries in Missouri," in *Getting Inside the Outside Campaign: Issue Advocacy in the 2000 Presidential Primaries*, edited by David B. Magleby. Report of a Grant Funded by the Pew Charitable Trusts, Center for the Study of Elections and Democracy: Brigham Young University.

Kropf, Martha, Johnny Blair and Julie Scheib. "The Effect of Alternative Incentives on Cooperation and Refusal Conversion in a Telephone Survey." *Proceedings of the 1999 American Association for Public Opinion Research Meeting*.

Kaplan, Lori and Martha Kropf. *National Public Radio, 1999 Field Guide to Giving*, NPR Office of Strategic Planning and Audience Research.

Biographies for *The Encyclopedia of Women in American Politics*, (Oryx Press, 1999).

**Grants/  
Contracts**

"Issue Advocacy and Soft Money in the 2004 Presidential Election in Missouri." Center for the Study of Elections and Democracy, Brigham Young University. Award: \$8,450. (May 2004-February 2005). This award funds research concerning campaign activity in the presidential race in Missouri.

"Public Opinion Toward the Library in the Community." Kansas City, Missouri Public Library. Contract: \$6,372. (January 2004-June 2004). This grant/contract funds the survey conducted by my class, "Survey Research and Analysis," which is a service learning class at UMKC.

"Explaining Unrecorded Votes in Elections." University of Missouri System Research Board Grant, Requested \$48,468, Awarded \$38,468 (with David Kimball).

"Issue Advocacy and Soft Money in the 2002 Missouri Senate Election." Center for the Study of Elections and Democracy, Brigham Young University. Award: \$4400. (August 2002-February 2003). This award funds research concerning campaign activity in the Carnahan/Talent Senate race (with Dale A. Neuman).

"Voting and the Media: A New Look at Public Journalism." University of Missouri-Kansas City Faculty Research Grant, Award: \$6,000. (December 2001-January 2003).

**Grants/Contracts, continued...**

"Kansas City Consensus Issue Identification Survey." University of Missouri-Kansas City, Center for the City, Faculty Knowledge Fund, Award: \$5,815. (January 2002-May 2002). This award provided the funding for a survey conducted by my class "Survey Research and Analysis" for the Kansas City Consensus, a policy research and advocacy group.

"Invalidated Ballots in the 1996 Presidential Election: A County-Level Analysis." University of Missouri-Kansas City Research Incentive Fund, Award: \$350. (April 2001). This award allowed me to purchase data for the voting equipment project.

"Issue Advocacy and Soft Money in the 2000 Missouri Senate and Presidential Elections." Center for the Study of Elections and Democracy and the Pew Charitable Trust Fund, \$13,500, 1999-2000 (with Dale A. Neuman). This award funded research concerning issue advocacy and soft money spending in the 2000 Missouri Senate and presidential elections.

"Viewers Like You: Community Norms and Contributions to Public Broadcasting, Part II." Aspen Institution Nonprofit Sector Research Fund, Dissertation Grant, Award: \$5,915, January 1997-September 1997. (Grant #96-2-NSRF-06).

**Pending Grant Applications**

"Ballot Design and Unrecorded Votes." (With David Kimball).

- Application submitted to Smith Richardson Foundation Domestic Public Policy Research Fellowship Program, June 2004 (\$60,000).
- Letter of Inquiry submitted to Carnegie Corporation of New York, July 2004.
- Application submitted to National Science Foundation, August 2004.

**Conferences**

**Presentations**

"Going Negative in Competitive U.S. Senate Elections: Who Notices and So What?" Paper prepared for presentation at the 100<sup>th</sup> Annual Meeting of the American Political Science Association, September 2-5, 2004, Chicago, IL (with E. Terrence Jones, Jay Barth and Janine Parry).

"Giving People What They Want: Is Synchronicity Between Desired Political Communication and Campaign Activity Important in Shaping Voter Turnout?" Paper prepared for presentation at the 27<sup>th</sup> Scientific Meeting of the International Society of Political Psychologists, July 2004, Lund, Sweden (with Jay Barth, E. Terrence Jones and Janine Parry).

"Ballot Design and Unrecorded Votes in the 2002 Midterm Election." Paper prepared for presentation at the 2004 American Association for Public Opinion Research Meeting, May 13-16, 2004, Phoenix, AZ (with David Kimball).

"Public Opinion Toward the Library in the Community." Paper prepared for presentation at the 2004 American Association for Public Opinion Research Conference, May 13-16, 2004, Phoenix, AZ (with Linda Babcock, Brian Barton, Michael Joyce, Jennifer Lyon and Mendel Martin).

"Early and Absentee Voting and Unrecorded Votes in the 2002 Midterm Election." Paper prepared for presentation at the 2004 Midwest Political Science Association Meeting, April 15-18, 2004, Chicago, IL (with David Kimball).

Conference Presentations, continued...

- "Floating Voters in Competitive U.S. Senate Elections: The 2002 Arkansas and Missouri Contests." Paper presented at the 2004 Western Political Science Association Meeting, March 11-13, 2004, Portland, OR (with E. Terrence Jones, Janine Parry and Jay Barth).
- "Mobilizing Voters: A Dynamic Model of Campaign Effects." Paper prepared for Presentation at the 2003 Southern Political Science Association Meeting, January 8-11, 2004, New Orleans, LA (with Janine Parry, Jay Barth and E. Terrence Jones).
- "Pursuing the Early Voter: Which Bird Gets the Worm?" Paper prepared for Presentation at the 2003 Northeastern Political Science Association Meeting, November 7-9, 2003, Philadelphia, PA (with Janine Parry, Jay Barth and E. Terrence Jones).
- "Ballot Design and Unrecorded Votes in the 2002 Midterm Election." Paper prepared for Presentation at the 99<sup>th</sup> Annual American Political Science Association Meeting, August 28-31, 2003, Philadelphia, PA (with David Kimball.)
- "Dogs and Dead People: Incremental Election Reform in Missouri." Paper prepared for the Conference on Election Reform: Politics and Policy, May 29, 2003, Washington, DC.
- "The 2002 Missouri Senate Race." Paper presented at the 2003 Midwest Political Science Association Meeting, April 3-6, 2003, Chicago, IL (with E. Terrence Jones, Matt McLaughlin and Dale Neuman).
- "The Effect of Second Chance Technology on the Probability of Voting." Paper presented at the 2003 Midwest Political Science Association Meeting, April 3-6, 2003, Chicago, IL (with Stephen Knack).
- "Missouri's Legacy: Jean Carnahan and Her Run for Senate." Paper presented at the 2002 Southern Political Science Association Meeting, November 6-9, 2002, Savannah, GA.
- "Challenges of Survey Research: An Active Learning Experience." Poster presented at the 57<sup>th</sup> Annual American Association for Public Opinion Research Meeting, May 16-19, 2002, St. Pete's Beach, FL (with Kadie Bangura, Joel Blevins, Janette Henson, Brooke Hawkins and Tracy Rogers).
- "Communicating Civic Norms of Cooperation: The Case of PBS." Paper presented at the 60<sup>th</sup> Annual Midwest Political Science Association Meeting, April 25-28, 2002, Chicago, IL.
- "Invalidated Ballots in the 1996 Presidential Election: A County-Level Analysis." Paper presented at the 2001 Southern Political Science Association Meeting, November 7-11, 2001 (with Stephen Knack). Also presented at the 2002 Public Choice Society Meeting, March 21-24, 2002, San Diego, CA.
- "The Missouri Senate Election." Paper presented at the 2001 American Political Science Association, August 30-September 2, 2001, San Francisco, CA (with Anthony Simones, E. Terrence Jones, Dale Neuman, Allison Hayes, and Maureen Gilbride Mears).
- "Voting and the Media: A New Look at Public Journalism." Paper presented at the 2001 Midwest Political Science Association. April 18-22, 2001, Chicago, IL.

**Conference Presentations, continued...**

"Who Uses Inferior Voting Technology?" Paper presented at the 2001 Public Choice Society Meeting, March 9-11, 2001, San Antonio, TX (with Stephen Knack).

"The Missouri Primary." Paper presented at the American Political Science Meeting, Washington, DC, August 31-September 2, 2000 (with E. Terrence Jones and Dale Neuman, with Sam Dreiling and Maureen Gilbride Mears).

"Won't You Be My Neighbor? Community Norms and Contributions to Public Broadcasting." Paper presented at the 2000 American Political Science Meeting, Washington, DC, August 31-September 2, 2000.

"Viewers Like You: Community Norms and Contributions to Public Broadcasting—A Survey of PBS Viewers." Paper presented at Public Broadcasting and the Public Interest Conference, University of Maine, Portland, Maine, June 15-18, 2000.

"The Federal Radio Act of 1927: The Role of the Radio Industry in the Origins of Broadcast Regulation." Paper presented at the International Communication Association Meeting, Acapulco, Mexico, June 1-5, 2000.

"There's No Place Like Home: Using Time Diary Data to Predict Respondent Availability." Paper presented at the Joint Session of the American Association for Public Opinion Research and the International Field Directors and Technologies Conference, Portland, Oregon. May 20, 2000 (with Johnny Blair and Jane Joseph).

"The Effect of Incentives on Cooperation, Refusal Conversion and Home Recorder Contacts in Telephone Surveys." Paper presented at the Joint Session of the American Association for Public Opinion Research and the International Field Directors and Technologies Conference, St. Petersburg, FL. May 16, 1999 (with Julie Scheib and Johnny Blair).

"Modeling Respondent Availability Using Time Diary Data." Paper presented at the 1998 Field Technology Conference, St. Louis, MO, April 18-20, 1998 (with Johnny Blair and Yun Chiao Kang).

"Viewers Like You: Community Norms and Contributions to Public Broadcasting." Paper presented at the 1997 Association for Research on Nonprofit Organizations and Voluntary Action Annual Conference. December 4-6, 1997, Indianapolis, IN; also presented at the 1997 Southern Political Science Meeting, November 5-8, 1997, Norfolk, VA.

"Viewers Like You: Community Norms and Contributions to Public Broadcasting." Paper presented at the 1997 American Political Science Association Meeting, August 28-31, 1997, Washington, DC (with Stephen Knack).

"An Apple for the Teacher: Teaching Students to be Professors." Paper presented at the 1997 American Political Science Association Meeting, August 28-31, 1997, Washington, DC (with Julie Dolan, Marni Ezra and Karen O'Connor).

"Coming into the Profession: The Professionalization and Socialization of Graduate Students in Political Science." Paper presented at the 1996 Northeast Political Science Association Meeting, November 14-16, 1996, Boston, MA (with Julie Dolan, Marni Ezra and Karen O'Connor).

**Conference Presentations, continued...**

"Overworked, Overwrought and Underpaid: Teaching Students to Teach." Paper presented at the 68th Annual Southern Political Science Meeting, November 6-9, 1996, Atlanta, GA (with Julie Dolan, Marni Ezra and Karen O'Connor).

"Why Do People Contribute to Public Broadcasting?" Paper presented at the 1996 Public Choice Society Meeting, April 12-14, 1996, Houston, TX (with Stephen Knack).

"The Electoral Glass Ceiling: The Effect of Media on Women Senate Candidates." Paper presented at the 54th Annual Midwest Political Science Association Meeting, April 18-20, 1996, Chicago, IL (Co-author: John A. Boiney).

**Other  
Conference  
Participation**

Chair and Discussant, "U.S. Senate Campaigns and Elections." Annual Midwest Political Science Association Meeting, April 16, 2004.

Chair and Discussant, "Mandates and State Violence." 60<sup>th</sup> Annual Midwest Political Science Association Meeting, April 28, 2002.

Roundtable on "Soft Money and Issue Advocacy in the 2000 Elections." 2001 Western Political Science Association Meeting, March 15-17, 2001.

Discussant, "Structural Influences on Voter Turnout," 58<sup>th</sup> Annual Midwest Political Science Association Meeting, April 27-30, 2000.

Discussant, "Social Capital and Political Participation: National, Subnational and Cross-National Perspectives," 57<sup>th</sup> Annual Midwest Political Science Association Meeting, April 15-17, 1999.

**Expert  
Testimony**

Offered Affidavit in *Working Families, et. al v. New York City Board of Elections* on behalf of the plaintiff (asked to participate by the Brennan Center for Justice, who was representing the plaintiff). (Summer 2003; case settled out of court. The NYC Board of Elections disabled the sensor latches on lever voting machines. The plaintiffs asked the Election Board to reconnect them.)

Offered Affidavit and Deposition in *Stewart v. Blackwell*, Ohio, on behalf of the plaintiffs, represented by the ACLU. (Fall 2003-present. In this lawsuit, the plaintiffs are asking the state and four counties to stop using punchcard ballots and optical scan voting equipment with central count ballots.)

Testified before the Blunt Commission on Electoral Reform, January 12, 2001, Hearings held at the University of Missouri-Kansas City

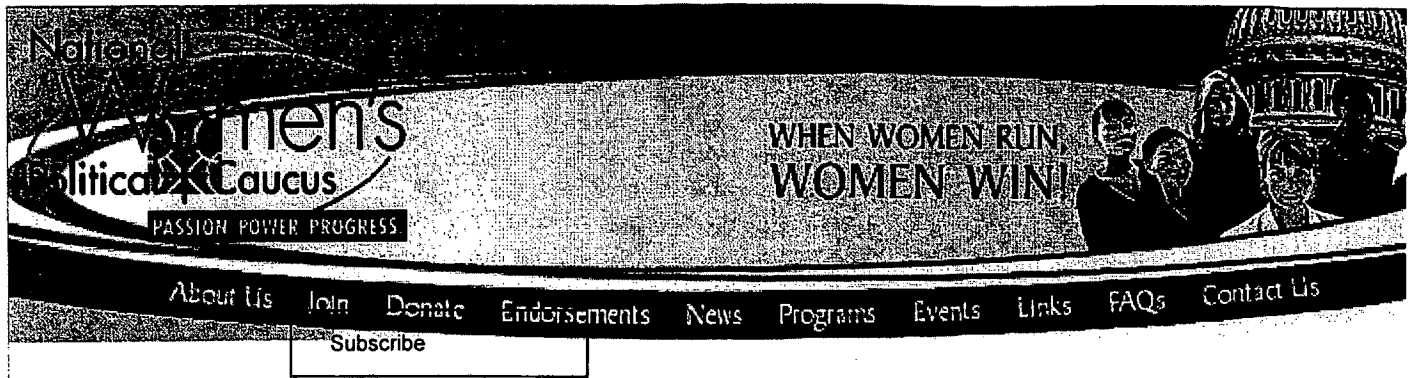
\*Special Note: My colleague Stephen Knack testified before two United States Congressional Committees about our paper, "Who Uses Inferior Voting Technology?" (Committee on Rules and Administration, Hearing on Election Reform, and Committee on Governmental Affairs, Hearing on Federal Election Practices and Procedures).

**Professional  
Memberships**

American Association for Public Opinion Research  
American Political Science Association  
Midwest Political Science Association  
Southern Political Science Association  
Midwest Association for Public Opinion Research

<b>Honors</b>	University of Missouri-Kansas City Faculty Scholar Award, 2004 University of Missouri System New Faculty Teaching Scholar, 2001-2002 Meriwether Lewis Fellow, University of Missouri-Kansas City, May 2001 Selected for New Faculty Tour (University of Missouri System), 2000 American University Award for Outstanding Scholarship at the Graduate Level (1998) American University School of Public Affairs Award for Outstanding Scholarship at the Graduate Level (1998) American University Dissertation Fellowship (1996) American University Dean's Scholar (1993-1996) Phi Beta Kappa, Pi Sigma Alpha, Mortar Board National Honor Society, Order of Omega
<b>Professional Service</b>	Reviewer for <i>Journal of Politics</i> , <i>American Politics Review</i> , <i>Social Sciences Quarterly</i> , <i>American Journal of Political Science</i> , <i>Political Research Quarterly</i> and <i>State and Local Government Review</i> Reviewer for Lynne Rienner Publications Reviewer for University of Missouri System Research Board Grants
<b>University Service</b>	Students in the City Steering Committee (Service Learning guidance), October 2003-present (Helped Select Service Learning Faculty Fellows for 2004). Selection Committee, Center for the City Faculty Knowledge Fund Grants, 2002-2003 Search Committee, Research Director Joint Hire, College of Arts and Sciences and Center for the City, December 2002-May 2003. Search Committee, Dean of the College of Arts and Sciences, October 2001-March 2002. UMKC Faculty Council on Urban Affairs, May 2001-present. University of Missouri System New Faculty Teaching Scholar, 2001-2002. University Honors and Awards Advisory Board, 2002-present. (Soros Scholarship and Truman Scholarship Selection Committees)
<b>Community Involvement</b>	Regular interviews/appearances in/on local and national media outlets (KCUR-FM, <i>Kansas City Star</i> , <i>The Washington Post</i> ).  "Public Opinion Toward the Library in the Community." Survey conducted for the Kansas City Public Library as a part of my Survey Research and Analysis Class, Spring 2004.  Data Analysis for "By the People." National deliberative democracy experiment held in various locations around the nation. Organized data entry and conducted data analysis for KCPT-TV, Kansas City's PBS affiliate, January 2004.  Mid-America Regional Council Public Managers' Workshops. Helped organize and lead "Political Characteristics of Metropolitan Kansas City." November 2003.  "Issue Identification Survey." Conducted for Kansas City Consensus as a part of my Survey Research and Analysis Class. Spring 2002.
<b>Community Activities</b>	Member, Central United Methodist Church. (on the Church and Society Committee). National Women's Political Caucus. Block Captain, 5700 of Harrison Street, Kansas City, MO
<b>Family</b>	Husband: John Szmer Daughter: Gwendolyn Margaret Szmer, born September 26, 2003





028139

[Home](#)[Sitemap](#)[Issues](#)[Official Blog](#)[Get Local](#)[Elected Officials](#)[Discussion Forum](#)[Home](#)[Subscribe](#)[Action Alerts](#)[Join Our Online Network](#)[Career Opportunities](#)[On The Road to 50/50](#)[NWPC: Eye on The](#)[Supreme Court](#)[Access to Abortion Pared at  
State Level - Aug 29, 2005](#)[Login](#)[Smaller text](#)[Larger text](#)[Home > Issues](#)

---

## ISSUES

---

### Equal Rights Amendment

#### Equal Rights Amendment

An amendment to guarantee equal rights to women has still never been ratified and added to the U.S. Constitution, even though it was first introduced in 1923. The Equal Rights Amendment passed Congress in 1972 but lapsed in 1982 when it fell three states short of ratification.

**Where we stand:** The National Women's Political Caucus supports the adoption of the Equal Rights Amendment to the United States Constitution. [more...](#)

---

### Health Care for Women

#### Long-Term Care Insurance

Long-term care is required for many Americans with permanent disabilities and illnesses. Assisted living, whether at home or in a nursing home,...

**Where we stand:** The National Women's Political Caucus supports long-term care insurance for women. [more...](#)

#### Equality of Insurance Benefits

A majority of insurance companies do not provide coverage for essential services, such as contraceptive drugs and devices. Contraceptives are a...

**Where we stand:** The National Women's Political Caucus supports mandatory coverage of family planning, including contraceptive drugs and devices. [more...](#)

#### Prescription Drug Coverage by Medicare

In December of 2003 Congress passed a law creating a Medicare prescription drug discount card, allowing those eligible for Medicare to receive...

**Where we stand:** The National Women's Political Caucus supports full coverage of prescription drugs by Medicare. [more...](#)

---

### Judicial Appointments

#### Pro-Choice Judicial Nominees

In January of 1973 the Supreme Court legalized abortion, giving women the right to choose. The right to choose has been attacked recently,...

**Where we stand:** The National Women's Political Caucus supports pro-choice judicial nominees who will uphold Roe v. Wade and continue to give women the right to choose. [more...](#)

---

### Reproductive Choice

#### Mandatory Waiting Periods for Abortions

028140

Mandatory waiting periods require women seeking abortions to wait for a period of time before the procedure may be performed. Generally, a...

**Where we stand:** The National Women's Political Caucus supports a woman's access to abortions without unnecessary hassle and delay. more...

#### **International Human Rights for Women**

Women are often the target of human rights violations specifically because they are women. Violence and sexual abuse in the home is still...

**Where we stand:** The National Women's Political Caucus supports human rights for all women across the globe, so that women may live in a free society. more...

#### **RU486**

In 2000, the Food and Drug Administration approved RU486, more commonly known as the abortion pill. RU486 is a non-surgical pill that enables...

**Where we stand:** The National Women's Political Caucus supports availability of RU486 and emergency contraception. The NWPC does not support pharmacists who determine who can and cannot receive them. more...

---

#### **Violence Against Women Act**

##### **Violence Against Women Act Reauthorization 2005**

The Violence Against Women Act (VAWA) of 2000 expires in 2005 and the remarkable gains we've made in ending domestic and sexual violence could come to a halt if Congress does not act quickly.

**Where we stand:** The National Women's Political Caucus supports the reauthorization and funding of the Violence Against Women Act. more...

---

#### **Women and Education**

##### **Sex Education**

Sex education provides accurate information on healthy relationships, peer pressure, contraception and abstinence in order for youth to use...

**Where we stand:** The National Women's Political Caucus supports comprehensive sex education that allows youth to know all of their options and make informed decisions. more..

##### **Equal Pay**

The Equal Pay Act of 1963 worked to end the pay differential that exists between men and women. The act made it illegal for employers to pay...

**Where we stand:** The National Women's Political Caucus supports equal pay for everyone, regardless of sex or race. more...

---

#### **Women and Politics**

##### **Campaign Finance Reform**

The total cost of the presidential and congressional campaigns in 2004 was just under \$4 billion dollars, up almost \$1 billion from 2000. In...

**Where we stand:** The National Women's Political Caucus supports campaign finance reform that levels the playing field for candidates to run for office. more...

---

#### **Working Families**

##### **Family Leave Act**

The Family Leave Act mandated that an employer must allow an employee to take off up to 11 weeks of unpaid leave in a year in order to care for...

**Where we stand:** The National Women's Political Caucus supports the Family Leave Act and would like to see an expansion of its coverage. more...

##### **A Living Wage**

A living wage would increase the income of low wage earners so that they may be able to support their family without additional government...

**Where we stand:** The National Women's Political Caucus supports the adoption of a national living wage. more...

---

National Women's Political Caucus

Copyright 2005, All rights reserved.



028142

# UCLA SCHOOL of LAW

PRINT

CLOSE

## Daniel Hays Lowenstein Biography

### Bibliography | Courses



**Daniel Hays Lowenstein**  
Professor of Law  
Born New York, New York, 1943

A.B. Yale, 1964  
LL.B. Harvard, 1967  
UCLA Law faculty since 1979

Daniel Lowenstein teaches *Election Law*, *Statutory Interpretation & Legislative Process*, *Political Theory*, and *Law & Literature*. A leading expert on election law, he has represented members of the House of Representatives in litigation regarding reapportionment and the constitutionality of term limits. He is a member of the Board of Directors of the award-winning theatre troupe Interact and regularly brings the company to the School of Law to perform plays with legal themes, such as Sophocles' *Antigone*, Ibsen's *Rosmerholm*, and Wouk's *The Caine Mutiny Court Martial*.

Professor Lowenstein worked as a staff attorney at California Rural Legal Assistance for two and one-half years. While working for California's Secretary of State, Edmund G. Brown Jr. in 1971, he specialized in election law, and was the main drafter of the *Political Reform Act*, an initiative statute that California voters approved in 1974, thereby creating a new Fair Political Practices Commission. Governor Brown appointed Professor Lowenstein as first chairman of the Commission. He has served on the national governing board of Common Cause and has been a board member and a vice president of Americans for Nonsmokers' Rights.

Professor Lowenstein's textbook, *Election Law* (1995), appears to be the first text on American election law since 1877. He has written on such topics as campaign finance, redistricting, bribery, initiative elections, political parties, commercial speech, and *The Merchant of Venice*.

For information on Interact, click on:



Professor Lowenstein represented certain plaintiffs in *California ProLife Council PAC v. Scully*, challenging California regulations of slate mail. For a pdf file containing the March 1, 2001, order of U.S. District Judge Lawrence K. Karlton declaring these regulations unconstitutional, use the following link:  
<http://www.law.ucla.edu/faculty/bios/lowenste/slatemailorder.pdf>

Read Professor Lowenstein's 10/02/2003 Daily Journal article: "[Valid Ballot - Panel Exploited Precedent to Rationalize Postponement of Recall Vote](#)".

028143

8/29/2005

Harvard Law School

## John F. Manning



Professor of Law

Office: [REDACTED]

Assistant: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

### Research Interests

- Administrative Law
- Federal Courts
- Separation of Powers
- Statutory Interpretation

### Education

- Harvard College A.B. Summa Cum Laude 1982, History
- Harvard Law School J.D. Magna Cum Laude 1985

### Appointments

- Professor of Law, 2004

### Representative Publications

- Manning, John F. "The Eleventh Amendment and the Interpretation of Precise Constitutional Texts," 113 *Yale Law Journal* (2004).
- Manning, John F. "The Absurdity Doctrine," 116 *Harvard Law Review* 2387 (2003).
- Manning, John F. "Textualism and the Equity of the Statute," 101 *Columbia Law Review* 1 (2001).
- Manning, John F. "The Nondelegation Doctrine as a Canon of Avoidance," 2000 *Supreme Court Review* 223 (2000).
- Manning, John F. "Constitutional Structure and Judicial Deference to Agency Interpretations of Agency Rules," 96 *Columbia Law Review* 612 (1996).

### Bibliography

[View bibliography](#)

[HLS Contact Information](#)

#### Section Links:

- [Professors and Assistant Professors of Law](#)
- [Professors Emeriti](#)

028144

- [Adjunct Professors of Law](#)
- [Visiting Professors of Law](#)
- [Lecturers on Law](#)
- [Alphabetic Faculty Listing](#)

**Related Links:**

- [Faculty Bibliography Search](#)



Presented by the Federal Election Commission

## Individual Contributions Arranged By Type, Giver, Then Recipient

### Contributions to Political Committees

**MANNING, JOHN F.**  
BROCKTON, MA 02302

NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE CONTRIBUTIONS

11/11/2002

500.00

22992974691

**MANNING, JOHN F.**  
DORCHESTER, MA 02125  
UMASS/SOCIAL WORKER

LYNCH, STEPHEN F

VIA STEPHEN F. LYNCH FOR CONGRESS COMMITTEE

03/26/2002 (DEM)

250.00

22990614443

**Total Contributions: 750.00**

**TRY A: NEW QUERY**  
**RETURN TO: FEC HOME PAGE**

??  
NOT SURE WHICH ONE IS ON THE  
PEER REVIEW GROUP



opensecrets.org

The  
BasicsElection  
OverviewWho  
GivesWho  
Gets

News

Get  
LocalHOME | DONATE  
| SEARCH

Industries | Top All-time Donors | Donor Lookup | PACs | Soft Money | Lobbyists

THE CENTER  
FOR RESPONSIVE  
POLITICS**Results:**

2 records found in 0.1875 seconds.

**Search Criteria:**

Donor name: manning, john f

Cycle(s) selected: 2006, 2004, 2002

☒ Sort by Name☐ Sort by Date☐ Sort by Amount[Start another search](#)[Submit Query](#)

Total for this search: \$750

Contributor	Occupation	Date	Amount	Recipient
MANNING, JOHN F BROCKTON,MA 02302		11/11/2002	\$500	National Republican Cong
MANNING, JOHN F DORCHESTER,MA 02125	UMASS/SOCIAL WORKER	3/26/2002	\$250	Lynch, Stephen F

028147

**DR. RONALD D. MICHAELSON**

**Residence**

[REDACTED]  
Springfield, IL 62704  
[REDACTED]  
[REDACTED]

**Personal**

Date of Birth - December 31, 1941

Marital Status - Married with 2 children

U.S. Citizen

**Education**

Bachelor of Arts, Wheaton College, Wheaton, IL 1963

M.A. in Political Science, Northwestern University, Chicago, IL 1965

Ph.D. in Government, Southern Illinois University, Carbondale, IL 1970

**Professional Experience**

**Political Consultant, June, 2003 to present**

Current clients include the Sangamon County Clerk, the Chicago Board of Election Commissioners and Strategic Marketing and Mailing, Champaign, IL

**Visiting Professor of Political Studies – University of Illinois at Springfield,  
January 2005 to present**

### **Executive Director/Illinois State Board of Elections**

March, 1976 to May, 2003. The Executive Director has complete administrative and supervisory responsibility for the day-to-day operations of the entire agency which includes a staff of 65 and a budget of approximately \$9 million.

### **Director of Administration/Illinois State Board of Elections**

September, 1974 to March, 1976. The Director of Administration had line responsibility for all administrative affairs and policies of the Board, including budget preparation and fiscal control, personnel, systems and procedures, and office management.

### **Assistant to the Vice President of Academic Affairs and Assistant Professor of Public Affairs/Sangamon State University, Springfield.**

February, 1973 to September, 1974. This position included involvement with several key academic issues such as tenure, faculty recruitment, budgeting, grants and contracts as well as a 12-hour teaching load.

### **Assistant to the Governor/Illinois Governor Richard B. Ogilvie**

January, 1969 to January, 1973. This position included policy development work in a number of substantive areas as well as legislative relations, speech writing, and a variety of other administrative and management duties.

### **PUBLICATIONS**

1. "The Politics of Gubernatorial Endorsements in Illinois: An Empirical Analysis," Public Affairs Bulletin, (Carbondale: Public Affairs Research Bureau, Southern Illinois University, January-February, 1971, Volume IV, Number 1).

2. "The Illinois Executive and Urban Problems," The State and the Urban Crisis, (Urbana: Institute of Government and Public Affairs, University of Illinois, 1970), pp. 27-35.
3. "An Analysis of the Chief Executive: How a Governor Spends His Time," Public Affairs Bulletin, (Carbondale: Public Affairs Research Bureau, Southern Illinois University, September-October, 1971, Volume IV, Number 4).
4. "Positive Politics," HIS Magazine, (Inter-Varsity Press, Downers Grove, Illinois) May, 1972.
5. "Positive Politics," Church Herald (Reformed Church), Fall, 1972.
6. "Positive Politics," CBMC Contract (Christian Business Men's Committee, Chicago), August, 1972.
7. "Positive Politics," Vital Christianity, (Assembly of God), October, 1972.
8. "An Analysis of the Chief Executive: How a Governor Uses His Time," State Government, XLV, Summer, 1972, pp. 153-160.
9. "Are You Ready to Vote?" Eternity Magazine, (Philadelphia), September, 1972, pp. 22-24, 60-61.
10. "Are You Ready to Vote?" Christianity Applied, October, 1974.

11. "Gubernatorial Staffing-Problems and Issues: The Ogilvie Experience," Center for Governmental Studies, Northern Illinois University, February, 1974.
12. "Money in Politics: Campaign Finance Reform in Illinois," Issues in Illinois Policy (Springfield: Illinois Legislative Studies Center, Sangamon State University, November, 1974), pp. 55-76.
13. "The Politics of Morality" Eternity Magazine, (Philadelphia), May, 1976, pp.15-18.
14. "State Board of Elections," Illinois Issues, March, 1977, p. 14, 16-17.
15. "Consolidation of Elections," Illinois Elections, (Springfield: Illinois Issues, Sangamon State University), 1979, pp.70-74.
16. "Volunteer Deputy Registrars," in Voter Registration in the States, Washington: National Center for Policy Alternatives, pp. 55-69, 1985.
17. "PAC Man Cometh in Illinois," Illinois Issues, (Springfield: Sangamon State University), May, 1987, pp.10-12.
18. "PAC Man Cometh in Illinois," Comparative State Politics Newsletter (Springfield: Sangamon State University), June, 1987, Volume 8, No.3, pp. 18-22.
19. "Campaign Finance Reform," COGEL Guardian, April, 1988, pp.3-4.

20. "1989 Campaign Finance Update: Legislation and Litigation," Citizens Research Foundation, Los Angeles, 1990.

21. "Financing Political Campaigns," COGEL Guardian, December 1991.

22. "1991 Campaign Finance Update: Legislation and Litigation," Citizens Research Foundation, Los Angeles, 1992.

23. "Election Legislation, 1992-93," in The Book of the States, Volume 30, Council of State Governments, Lexington, KY 1990, pp. 204-226.

24. "Financing State and Local Elections: Recent Developments," in The Book of the States, Volume 30, Council of State Governments, Lexington, KY, 1994, pp. 227-228.

25. "1992 Campaign Finance Update: Legislation and Litigation in the 50 States, the District of Columbia, and the Federal Government,@ The Council of State Governments.

26. "The State of the States in 1991," COGEL Guardian, Volume 12, No. 6, December 1991, pp. 1, 34.

27. "The State of the States in 1991: Financing Political Campaigns," Lexington, KY: The Council of State Governments, 1991.

28. "The State of the States in 1992: Financing Political Campaigns," COGEL Guardian, Volume 14, No. 1, February 1993, pp.4-6.

29. "The State of the States in 1993: Financing Political Campaigns," COGEL Guardian, Volume 14, No. 6, December 1993, pp. 1, 3-4.

30. "1993 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

31. "1994 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

32. "1995 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

33. "1996 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

34. "1997 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

35. "1998 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

36. "1999 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

37. "2000 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

38. "Campaign Finance Activity in the States: Where the Action Is," Public Integrity, Vol. III, No. I, Winter 2001.

39. "2001 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

40. "2002 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

41. "Trends in State Campaign Financing," The Book of the States, 2003, Vol.35, The Council of State Governments.

### **Teaching Appointments**

Adjunct Professor of Public Affairs at University of Illinois at Springfield, teaching courses in the areas of political studies and public affairs. Began in 1970.

Visiting Professor at Wheaton College (Illinois), teaching courses on an available basis in the political science department. Not a current appointment.

### **Professional Associations**



1. Advisory Committee of the Federal Election Commission - past member.
2. Council on Governmental Ethics Laws - Member and past National Chairman.
3. American Society for Public Administration - Member and Past President of the Central Illinois Chapter.
4. International Foundation for Electoral System - Current participant in international electoral exchanges. Member of an official U.S. delegation to observe the electoral process in the Soviet Union, March, 1990.
5. The Election Center - member of its Professional Education Committee.

### **Awards**

Election to the Springfield Sports Hall of Fame, May 2000.

**DR. RONALD D. MICHAELSON**

**Residence**

[REDACTED]  
Springfield, IL 62704  
[REDACTED]  
[REDACTED]

**Personal**

Date of Birth - December 31, 1941

Marital Status - Married with 2 children

U.S. Citizen

**Education**

Bachelor of Arts, Wheaton College, Wheaton, IL 1963

M.A. in Political Science, Northwestern University, Chicago, IL 1965

Ph.D. in Government, Southern Illinois University, Carbondale, IL 1970

**Professional Experience**

**Political Consultant, June, 2003 to present**

Current clients include the Sangamon County Clerk, the Chicago Board of Election Commissioners and Strategic Marketing and Mailing, Champaign, IL

**Visiting Professor of Political Studies – University of Illinois at Springfield,  
January 2005 to present**

### **Executive Director/Illinois State Board of Elections**

March, 1976 to May, 2003. The Executive Director has complete administrative and supervisory responsibility for the day-to-day operations of the entire agency which includes a staff of 65 and a budget of approximately \$9 million.

### **Director of Administration/Illinois State Board of Elections**

September, 1974 to March, 1976. The Director of Administration had line responsibility for all administrative affairs and policies of the Board, including budget preparation and fiscal control, personnel, systems and procedures, and office management.

### **Assistant to the Vice President of Academic Affairs and Assistant Professor of Public Affairs/Sangamon State University, Springfield.**

February, 1973 to September, 1974. This position included involvement with several key academic issues such as tenure, faculty recruitment, budgeting, grants and contracts as well as a 12-hour teaching load.

### **Assistant to the Governor/Illinois Governor Richard B. Ogilvie**

January, 1969 to January, 1973. This position included policy development work in a number of substantive areas as well as legislative relations, speech writing, and a variety of other administrative and management duties.

### **PUBLICATIONS**

1. "The Politics of Gubernatorial Endorsements in Illinois: An Empirical Analysis," Public Affairs Bulletin, (Carbondale: Public Affairs Research Bureau, Southern Illinois University, January-February, 1971, Volume IV, Number 1).

2. "The Illinois Executive and Urban Problems," The State and the Urban Crisis, (Urbana: Institute of Government and Public Affairs, University of Illinois, 1970), pp. 27-35.
3. "An Analysis of the Chief Executive: How a Governor Spends His Time," Public Affairs Bulletin, (Carbondale: Public Affairs Research Bureau, Southern Illinois University, September-October, 1971, Volume IV, Number 4).
4. "Positive Politics," HIS Magazine, (Inter-Varsity Press, Downers Grove, Illinois) May, 1972.
5. "Positive Politics," Church Herald (Reformed Church), Fall, 1972.
6. "Positive Politics," CBMC Contract (Christian Business Men's Committee, Chicago), August, 1972.
7. "Positive Politics," Vital Christianity, (Assembly of God), October, 1972.
8. "An Analysis of the Chief Executive: How a Governor Uses His Time," State Government, XLV, Summer, 1972, pp. 153-160.
9. "Are You Ready to Vote?" Eternity Magazine, (Philadelphia), September, 1972, pp. 22-24, 60-61.
10. "Are You Ready to Vote?" Christianity Applied, October, 1974.

11. "Gubernatorial Staffing-Problems and Issues: The Ogilvie Experience," Center for Governmental Studies, Northern Illinois University, February, 1974.
12. "Money in Politics: Campaign Finance Reform in Illinois," Issues in Illinois Policy (Springfield: Illinois Legislative Studies Center, Sangamon State University, November, 1974), pp. 55-76.
13. "The Politics of Morality" Eternity Magazine, (Philadelphia), May, 1976, pp.15-18.
14. "State Board of Elections," Illinois Issues, March, 1977, p. 14, 16-17.
15. "Consolidation of Elections," Illinois Elections, (Springfield: Illinois Issues, Sangamon State University), 1979, pp.70-74.
16. "Volunteer Deputy Registrars," in Voter Registration in the States, Washington: National Center for Policy Alternatives, pp. 55-69, 1985.
17. "PAC Man Cometh in Illinois," Illinois Issues, (Springfield: Sangamon State University), May, 1987, pp.10-12.
18. "PAC Man Cometh in Illinois," Comparative State Politics Newsletter (Springfield: Sangamon State University), June, 1987, Volume 8, No.3, pp. 18-22.
19. "Campaign Finance Reform," COGEL Guardian, April, 1988, pp.3-4.

20. "1989 Campaign Finance Update: Legislation and Litigation," Citizens Research Foundation, Los Angeles, 1990.

21. "Financing Political Campaigns," COGEL Guardian, December 1991.

22. "1991 Campaign Finance Update: Legislation and Litigation," Citizens Research Foundation, Los Angeles, 1992.

23. "Election Legislation, 1992-93," in The Book of the States, Volume 30, Council of State Governments, Lexington, KY 1990, pp. 204-226.

24. "Financing State and Local Elections: Recent Developments," in The Book of the States, Volume 30, Council of State Governments, Lexington, KY, 1994, pp. 227-228.

25. "1992 Campaign Finance Update: Legislation and Litigation in the 50 States, the District of Columbia, and the Federal Government,@ The Council of State Governments.

26. "The State of the States in 1991," COGEL Guardian, Volume 12, No. 6, December 1991, pp. 1, 34.

27. "The State of the States in 1991: Financing Political Campaigns," Lexington, KY: The Council of State Governments, 1991.

28. "The State of the States in 1992: Financing Political Campaigns," COGEL Guardian, Volume 14, No. 1, February 1993, pp.4-6.

29. "The State of the States in 1993: Financing Political Campaigns," COGEL Guardian, Volume 14, No. 6, December 1993, pp. 1, 3-4.

30. "1993 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

31. "1994 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

32. "1995 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

33. "1996 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

34. "1997 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

35. "1998 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

36. "1999 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

37. "2000 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

38. "Campaign Finance Activity in the States: Where the Action Is," Public Integrity, Vol. III, No. I, Winter 2001.

39. "2001 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

40. "2002 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

41. "Trends in State Campaign Financing," The Book of the States, 2003, Vol.35, The Council of State Governments.

### **Teaching Appointments**

Adjunct Professor of Public Affairs at University of Illinois at Springfield, teaching courses in the areas of political studies and public affairs. Began in 1970.

Visiting Professor at Wheaton College (Illinois), teaching courses on an available basis in the political science department. Not a current appointment.

### **Professional Associations**



1.           Advisory Committee of the Federal Election Commission - past member.
2.           Council on Governmental Ethics Laws - Member and past National Chairman.
3.           American Society for Public Administration - Member and Past President of the Central Illinois Chapter.
4.           International Foundation for Electoral System - Current participant in international electoral exchanges. Member of an official U.S. delegation to observe the electoral process in the Soviet Union, March, 1990.
5.           The Election Center - member of its Professional Education Committee.

### **Awards**

Election to the Springfield Sports Hall of Fame, May 2000.

**ABIGAIL THERNSTROM**

**VICE-CHAIR**

Senior Fellow, Manhattan Institute  
New York City, New York

Abigail Thernstrom is a Senior Fellow at the Manhattan Institute in New York, a member of the Massachusetts State Board of Education, and a commissioner on the United States Commission on Civil Rights. She received her Ph.D. from the Department of Government, Harvard University, in 1975.

Thernstrom and her husband, Harvard historian Stephan Thernstrom, are the co-authors of America in Black and White: One Nation, Indivisible (Simon & Schuster), which the New York Times Book Review, in its annual end-of-the-year issue, named as one of the notable books of 1997. They are currently working on a new book: Getting the Answers Right: The Racial Gap in Academic Achievement and How to Close It.

They are also the editors of a forthcoming volume, Beyond the Color Line: New Perspectives on Race and Ethnicity, and their lengthy review of William G. Bowen and Derek Bok's much-noticed book, The Shape of the River, appeared in the June 1999 issue of the UCLA Law Review.

Abigail Thernstrom's 1987 work, Whose Votes Count? Affirmative Action and Minority Voting Rights (Harvard University Press) won four awards, including the American Bar Association's Certificate of Merit, and the Anisfield-Wolf prize for the best book on race and ethnicity. It was named the best policy studies book of that year by the Policy Studies Organization (an affiliate of the American Political Science Association), and won the Benchmark Book Award from the Center for Judicial Studies.

Her frequent media appearances have included Fox News Sunday, Good Morning America, the Jim Lehrer News Hour, Both Sides with Jesse Jackson, and Black Entertainment Television. For some years, she was a stringer for The Economist, and continues to write frequently for a variety of journals and newspapers, including, Commentary, The Wall Street Journal, The New York Times, The Washington Post, and The Public Interest.

She serves on several boards: the Center for Equal Opportunity, and the Institute for Justice, among others. From 1992 to 1997 she was a member of the Aspen Institute's Domestic Strategy Group.

President Clinton chose her as one of three authors to participate in his first "town meeting" on race in Akron, Ohio, on December 3, 1997, and she was part of a small group that met with the President again in the Oval Office on December 19th.

# John Samples

## Director, Center for Representative Government

John Samples directs Cato's Center for Representative Government, which studies campaign finance regulation, delegation of legislative authority, term limits, and the political culture of limited government and the civic virtues necessary for liberty. He is an adjunct professor at Johns Hopkins University. Prior to joining Cato, Samples served eight years as director of Georgetown University Press, and before that, as vice president of the Twentieth Century Fund. He has published scholarly articles in *Society*, *History of Political Thought*, and *Telos*. Samples has also been featured in mainstream publications like *USA Today*, the *New York Times*, and the *Los Angeles Times*. He has appeared on NPR, Fox News Channel, and MSNBC. Samples received his Ph.D. in political science from Rutgers University.

Media Contact: 202-789-5200

To Book a Speaking Engagement: 202-789-5226

E-Mail: [jsamples@cato.org](mailto:jsamples@cato.org)

## Speaking Topics

- Campaign Finance
- Congress
- Elections
- Election Law
- Enumerated Powers
- Federalism
- Politics and Political Parties
- Presidency
- Public Opinion
- Separation of Powers
- Term Limits
- 1st Amendment (free speech, church and state)
- 10th Amendment (enumerated powers)

## Selected Media Appearances

Audio of Tom Palmer and John Samples at James Madison University. [Windows Media]

John Samples discusses campaign finance on MSBC's *Barnicle*. [Real Media]

## Books

*The Republican Revolution 10 Years Later: Smaller Government or Business as Usual?* edited by Chris Edwards and John Samples (2005).

*Welfare For Politicians? Taxpayer Financing of Campaigns*, edited by John Samples (2005).

*James Madison and the Future of Limited Government*, edited by John Samples (2002).

## Studies

"The Failures of Taxpayer Financing of Presidential Campaigns," Cato Policy Analysis no. 500, November 25, 2003.

"Election 2002 and the Problems of American Democracy," by John Samples and Patrick Basham, Cato Policy Analysis no. 451, September 5, 2002.

"Government Financing of Campaigns: Public Choice and Public Values," Cato Policy Analysis no. 448, August 26, 2002.

"Election Reform, Federalism, and the Obligations of Voters," Cato Policy Analysis no. 417, October 23, 2001.

"More Government For All: How Taxpayers Subsidize Anti-Tax Cut Advocacy," Cato Policy Analysis, July 10, 2001.

[\[View All Studies\]](#)

## Opinion and Commentary

"Mr. Smith Leaves Washington," *American Spectator (Online)*, August 24, 2005

"Happy Days," *Spectator.org*, June 9, 2005

"Your Blog Will Be Investigated Soon," *American Spectator*, May 10, 2005

"Playing the Irony Card," *Washington Times*, May 5, 2005

"Dial Down Corruption Fears: Media will expose lawmakers whose relatives don't deserve pay," *USA Today*, April 19, 2005

[\[View All Opinion and Commentary\]](#)

# John C. Fortier

Research Fellow

[Print](#) [Mail](#)  
 



Fortier studies politics, the presidency, continuity of government, elections, the electoral college, election reform, and presidential succession and disability. He is the executive director of the Continuity of Government Commission, and is a weekly columnist for The Hill.

## **Professional Experience**

- Executive director, Continuity of Government Commission, 2002-present
- Project manager, Transition to Governing Project, AEI, 1998-2003
- Member, Presidency Research Career Service Award Committee, American Political Science Association, 2004
- Participant, National Election Initiative, Constitution Project, 2001-2002
- Teaching positions at University of Pennsylvania, 2004-2005; University of Delaware, 1995-1996; Boston College, 1992-1994; Harvard University, 1993
- Research associate, Worcester Municipal Research Bureau, 1997-1998

## **Education**

Ph.D., Boston College  
B.A., Georgetown University

## **Articles and Short Publications**

Black Legislators' New Era

Senate Not Likely to Shift

Bush Has Lost Control of the Agenda

**[List All]**

## **Books**

After the People Vote

## **Events**

How Is Bush Governing in His Second Term?

Torture for Intelligence in the Post-9/11 World

How Would Each Candidate Govern?

**[List All]**

## **Speaking Engagements**

Ensuring the Continuity of the United States Government

**Bradley A. Smith**  
**Professor of Law**  
**B.A., cum laude, Kalamazoo College, 1980**  
**J.D., cum laude, Harvard Law School, 1990**



One of the nation's leading authorities on Election Law and Campaign Finance, Professor Smith returns to Capital after five years in Washington, D.C., where he served as Commissioner, Vice Chairman, and Chairman of the Federal Election Commission (FEC). Nominated by President Clinton in February of 2000 to fill a Republican-designated seat on the Commission, Professor Smith was confirmed by the Senate in May of 2000 and took his seat the following month. Prior to his nomination, Smith had become a fixture in the national discussion on campaign finance, and was called "the most sought after witness" when Congress considered campaign finance issues. His writings have appeared in such academic journals as the Yale Law Journal, Georgetown Law Journal, and Pennsylvania Law Review, and in popular publications such as the Wall Street Journal, USA Today, and National Review. In 2001, Princeton University Press published his book, "Unfree Speech: The Folly of Campaign Finance Reform," which was praised by syndicated columnist George Will as "the year's most important book on governance." The Times of London called it "a much needed dose of realism which has relevance far beyond America," and Publishers Weekly described it as "a marvelous contrarian view: moderate in tone, elegant in language, clever in argument." Named FEC Chairman in January 2004, Professor Smith oversaw implementation of the McCain-Feingold campaign finance bill, and successfully fought to increase due process protections for defendants in FEC enforcement actions. Professor Smith has spoken at over 30 of the nation's law schools, including Harvard, Yale, Columbia, Stanford, Chicago, Michigan, and NYU. His many media credits include national appearances on ABC, NBC, PBS, Fox, CNBC, MSNBC, C-Span, and Bloomberg Media, including such programs as *Hardball* with Chris Matthews, and the *O'Reilly Factor*. He has also appeared on numerous local and national radio programs, and made television appearances in Great Britain, Japan, and Canada.

Prior to joining Capital's faculty in 1993, he served as United States Vice Consul in Ecuador, and worked as an attorney for the law firm of Vorys, Sater, Seymour and Pease. He has also taught law at George Mason University. Professor Smith was the first Director of Capital's summer study abroad program in Greece, and from 1994 to 2000 served as co-Director of Capital's National Moot Court team with Professor Jeffrey Ferriell, winning six regional championships in the National Appellate Advocacy Competition or National Moot Court Competition. His teaching has included Election Law, Civil Procedure, Law & Economics, Jurisprudence, and Administrative Law.

[ [View Publications](#) ]

E-mail Professor Bradley A. Smith at [\[REDACTED\]](#)

Nelson Lund, Patrick Henry Professor of Constitutional Law and 2nd Amendment  
B.A., St. John's College; M.A., Catholic University; A.M. and Ph.D., Harvard  
University; J.D. University of Chicago

**Contact:**



[Redacted]  
[Redacted]  
[Redacted]

- ♦ [Send an Email](#)
- ♦ [View Homepage](#)

**Subject(s) Taught:**

Constitutional Law, Legislation

[Curriculum Vitae \(PDF\)](#)

[Recent Publications](#)

[Working Papers](#)

**PATRICK HENRY PROFESSOR OF CONSTITUTIONAL LAW AND THE SECOND AMENDMENT NELSON LUND** has written widely in the field of constitutional law, including articles on constitutional interpretation, federalism, separation of powers, the Second Amendment, the Commerce Clause, the Speech or Debate Clause, the Equal Protection Clause, and the Uniformity Clause. In addition, he has published articles in the fields of employment discrimination and civil rights, the legal regulation of medical ethics, and the application of economic analysis to legal institutions and legal ethics.

Professor Lund left the faculty of the University of Chicago to attend its law school, where he served as executive editor of the *University of Chicago Law Review* and chapter chairman of the Federalist Society for Law and Public Policy Studies. After law school, he held positions at the United States Department of Justice in the Office of the Solicitor General and the Office of Legal Counsel. He also served as a law clerk to the Honorable Patrick E. Higginbotham of the United States Court of Appeals for the Fifth Circuit and to the Honorable Sandra Day O'Connor of the United States Supreme Court. Following his clerkship with Justice O'Connor, Professor Lund served in the White House as associate counsel to the president from 1989 to 1992.

Since joining the faculty at George Mason, Professor Lund has taught Constitutional Law, Legislation, Federal Election Law, Employment Discrimination, State and Local Government, and seminars on the Second Amendment and on a variety of topics in Jurisprudence.

**ABIGAIL THERNSTROM**  
**VICE-CHAIR**

Senior Fellow, Manhattan Institute  
New York City, New York  
POLITICAL AFFILIATION: REPUBLICAN

Abigail Thernstrom is a Senior Fellow at the Manhattan Institute in New York, a member of the Massachusetts State Board of Education, and a commissioner on the United States Commission on Civil Rights. She received her Ph.D. from the Department of Government, Harvard University, in 1975.

Thernstrom and her husband, Harvard historian Stephan Thernstrom, are the co-authors of America in Black and White: One Nation, Indivisible (Simon & Schuster), which the New York Times Book Review, in its annual end-of-the-year issue, named as one of the notable books of 1997. They are currently working on a new book: Getting the Answers Right: The Racial Gap in Academic Achievement and How to Close It.

They are also the editors of a forthcoming volume, Beyond the Color Line: New Perspectives on Race and Ethnicity, and their lengthy review of William G. Bowen and Derek Bok's much-noticed book, The Shape of the River, appeared in the June 1999 issue of the UCLA Law Review.

Abigail Thernstrom's 1987 work, Whose Votes Count? Affirmative Action and Minority Voting Rights (Harvard University Press) won four awards, including the American Bar Association's Certificate of Merit, and the Anisfield-Wolf prize for the best book on race and ethnicity. It was named the best policy studies book of that year by the Policy Studies Organization (an affiliate of the American Political Science Association), and won the Benchmark Book Award from the Center for Judicial Studies.

Her frequent media appearances have included Fox News Sunday, Good Morning America, the Jim Lehrer News Hour, Both Sides with Jesse Jackson, and Black Entertainment Television. For some years, she was a stringer for The Economist, and continues to write frequently for a variety of journals and newspapers, including, Commentary, The Wall Street Journal, The New York Times, The Washington Post, and The Public Interest.

She serves on several boards: the Center for Equal Opportunity, and the Institute for Justice, among others. From 1992 to 1997 she was a member of the Aspen Institute's Domestic Strategy Group.

President Clinton chose her as one of three authors to participate in his first "town meeting" on race in Akron, Ohio, on December 3, 1997, and she was part of a small group that met with the President again in the Oval Office on December 19th.



# John Samples

## Director, Center for Representative Government

John Samples directs Cato's Center for Representative Government, which studies campaign finance regulation, delegation of legislative authority, term limits, and the political culture of limited government and the civic virtues necessary for liberty. He is an adjunct professor at Johns Hopkins University. Prior to joining Cato, Samples served eight years as director of Georgetown University Press, and before that, as vice president of the Twentieth Century Fund. He has published scholarly articles in *Society*, *History of Political Thought*, and *Telos*. Samples has also been featured in mainstream publications like *USA Today*, the *New York Times*, and the *Los Angeles Times*. He has appeared on NPR, Fox News Channel, and MSNBC. Samples received his Ph.D. in political science from Rutgers University.

Media Contact: [REDACTED]

To Book a Speaking Engagement: [REDACTED]

E-Mail: [REDACTED]

## Speaking Topics

- Campaign Finance
- Congress
- Elections
- Election Law
- Enumerated Powers
- Federalism
- Politics and Political Parties
- Presidency
- Public Opinion
- Separation of Powers
- Term Limits
- 1st Amendment (free speech, church and state)
- 10th Amendment (enumerated powers)

## Selected Media Appearances

Audio of Tom Palmer and John Samples at James Madison University. [Windows Media]

John Samples discusses campaign finance on MSBC's *Barnicle*. [Real Media]

## Books

*The Republican Revolution 10 Years Later: Smaller Government or Business as Usual?* edited by Chris Edwards and John Samples (2005).

*Welfare For Politicians? Taxpayer Financing of Campaigns*, edited by John Samples (2005).

*James Madison and the Future of Limited Government*, edited by John Samples (2002).

## Studies

"The Failures of Taxpayer Financing of Presidential Campaigns," Cato Policy Analysis no. 500, November 25, 2003.

"Election 2002 and the Problems of American Democracy," by John Samples and Patrick Basham, Cato Policy Analysis no. 451, September 5, 2002.

"Government Financing of Campaigns: Public Choice and Public Values," Cato Policy Analysis no. 448, August 26, 2002.

"Election Reform, Federalism, and the Obligations of Voters," Cato Policy Analysis no. 417, October 23, 2001.

"More Government For All: How Taxpayers Subsidize Anti-Tax Cut Advocacy," Cato Policy Analysis, July 10, 2001.

[\[View All Studies\]](#)

## Opinion and Commentary

"Mr. Smith Leaves Washington," *American Spectator (Online)*, August 24, 2005

"Happy Days," *Spectator.org*, June 9, 2005

"Your Blog Will Be Investigated Soon," *American Spectator*, May 10, 2005

"Playing the Irony Card," *Washington Times*, May 5, 2005

"Dial Down Corruption Fears: Media will expose lawmakers whose relatives don't deserve pay," *USA Today*, April 19, 2005

[\[View All Opinion and Commentary\]](#)

# John C. Fortier

Research Fellow

[Print](#) [Mail](#)  
 



Fortier studies politics, the presidency, continuity of government, elections, the electoral college, election reform, and presidential succession and disability. He is the executive director of the Continuity of Government Commission, and is a weekly columnist for The Hill.

## **Professional Experience**

- Executive director, Continuity of Government Commission, 2002-present
- Project manager, Transition to Governing Project, AEI, 1998-2003
- Member, Presidency Research Career Service Award Committee, American Political Science Association, 2004
- Participant, National Election Initiative, Constitution Project, 2001-2002
- Teaching positions at University of Pennsylvania, 2004-2005; University of Delaware, 1995-1996; Boston College, 1992-1994; Harvard University, 1993
- Research associate, Worcester Municipal Research Bureau, 1997-1998

## **Education**

Ph.D., Boston College  
B.A., Georgetown University

## **Articles and Short Publications**

Black Legislators' New Era

Senate Not Likely to Shift

Bush Has Lost Control of the Agenda

[\[List All\]](#)

## **Books**

After the People Vote.

## **Events**

How Is Bush Governing in His Second Term?

Torture for Intelligence in the Post-9/11 World

How Would Each Candidate Govern?

[\[List All\]](#)

## **Speaking Engagements**

Ensuring the Continuity of the United States Government

**Bradley A. Smith**  
**Professor of Law**  
**B.A., cum laude, Kalamazoo College, 1980**  
**J.D., cum laude, Harvard Law School, 1990**



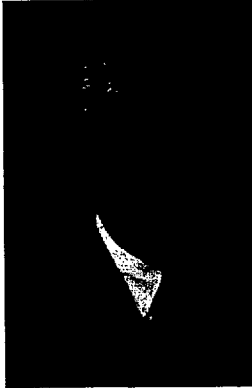
One of the nation's leading authorities on Election Law and Campaign Finance, Professor Smith returns to Capital after five years in Washington, D.C., where he served as Commissioner, Vice Chairman, and Chairman of the Federal Election Commission (FEC). Nominated by President Clinton in February of 2000 to fill a Republican-designated seat on the Commission, Professor Smith was confirmed by the Senate in May of 2000 and took his seat the following month. Prior to his nomination, Smith had become a fixture in the national discussion on campaign finance, and was called "the most sought after witness" when Congress considered campaign finance issues. His writings have appeared in such academic journals as the Yale Law Journal, Georgetown Law Journal, and Pennsylvania Law Review, and in popular publications such as the Wall Street Journal, USA Today, and National Review. In 2001, Princeton University Press published his book, "Unfree Speech: The Folly of Campaign Finance Reform," which was praised by syndicated columnist George Will as "the year's most important book on governance." The Times of London called it "a much needed dose of realism which has relevance far beyond America," and Publishers Weekly described it as "a marvelous contrarian view: moderate in tone, elegant in language, clever in argument." Named FEC Chairman in January 2004, Professor Smith oversaw implementation of the McCain-Feingold campaign finance bill, and successfully fought to increase due process protections for defendants in FEC enforcement actions. Professor Smith has spoken at over 30 of the nation's law schools, including Harvard, Yale, Columbia, Stanford, Chicago, Michigan, and NYU. His many media credits include national appearances on ABC, NBC, PBS, Fox, CNBC, MSNBC, C-Span, and Bloomberg Media, including such programs as *Hardball* with Chris Matthews, and the *O'Reilly Factor*. He has also appeared on numerous local and national radio programs, and made television appearances in Great Britain, Japan, and Canada.

Prior to joining Capital's faculty in 1993, he served as United States Vice Consul in Ecuador, and worked as an attorney for the law firm of Vorys, Sater, Seymour and Pease. He has also taught law at George Mason University. Professor Smith was the first Director of Capital's summer study abroad program in Greece, and from 1994 to 2000 served as co-Director of Capital's National Moot Court team with Professor Jeffrey Ferriell, winning six regional championships in the National Appellate Advocacy Competition or National Moot Court Competition. His teaching has included Election Law, Civil Procedure, Law & Economics, Jurisprudence, and Administrative Law.

[ View Publications ]

E-mail Professor Bradley A. Smith at [REDACTED]

Nelson Lund, Patrick Henry Professor of Constitutional Law and 2nd Amendment  
B.A., St. John's College; M.A., Catholic University; A.M. and Ph.D., Harvard  
University; J.D. University of Chicago



**Contact:**

- ♣ Phone: [REDACTED]
- ♣ Room: [REDACTED]
- ♣ [Send an Email](#)
- ♣ [View Homepage](#)

**Subject(s) Taught:**

Constitutional Law, Legislation

[Curriculum Vitae \(PDF\)](#)

[Recent Publications](#)

[Working Papers](#)

**PATRICK HENRY PROFESSOR OF CONSTITUTIONAL LAW AND THE SECOND AMENDMENT NELSON LUND** has written widely in the field of constitutional law, including articles on constitutional interpretation, federalism, separation of powers, the Second Amendment, the Commerce Clause, the Speech or Debate Clause, the Equal Protection Clause, and the Uniformity Clause. In addition, he has published articles in the fields of employment discrimination and civil rights, the legal regulation of medical ethics, and the application of economic analysis to legal institutions and legal ethics.

Professor Lund left the faculty of the University of Chicago to attend its law school, where he served as executive editor of the *University of Chicago Law Review* and chapter chairman of the Federalist Society for Law and Public Policy Studies. After law school, he held positions at the United States Department of Justice in the Office of the Solicitor General and the Office of Legal Counsel. He also served as a law clerk to the Honorable Patrick E. Higginbotham of the United States Court of Appeals for the Fifth Circuit and to the Honorable Sandra Day O'Connor of the United States Supreme Court. Following his clerkship with Justice O'Connor, Professor Lund served in the White House as associate counsel to the president from 1989 to 1992.

Since joining the faculty at George Mason, Professor Lund has taught Constitutional Law, Legislation, Federal Election Law, Employment Discrimination, State and Local Government, and seminars on the Second Amendment and on a variety of topics in Jurisprudence.

*Congressional Representation of Black Interests: Recognizing the Importance of Stability* (with Vincent Hutchings & Harwood McClerking) 66 J. of Pol. (2004)

*Racial Identity and Political Association: Why the Racial Gerrymandering Cases Violate the Associational Rights of Voters of Color*, 91 Cal. L. Rev. 1209 (received First Honorable Mention at the AALS Scholarly Paper Competition January 2003)

*Mixing Metaphors: Voting, Dollars, and Campaign Finance Reform* (book review) 2 Elec. L. J. 271 (2003)

*Constitutional Pluralism & Democratic Politics: Reflections on the Interpretive Approach of Baker v. Carr*, C. L. Rev. 1103 (2002)

*The Electoral College, The Right to Vote and Our Federalism: A Comment on a Lasting Institution*, (with L Fuentes-Rohwer) 29 Fla. St. U. L. Rev. 879 (2001) (symposium)

*Challenges to Racial Redistricting in the New Millennium: Hunt v. Cromartie as a Case Study* (with Luis Fuentes-Rohwer) 58 Wash. & Lee L. Rev. 227 (2001)

*Fourth Amendment Accommodations, (Un)Compelling Public Needs, and the Fiction of Consent* 2 Mich. J. Race & L. 461 (1997)

Non-Academic Publications

Should Single-Member Districting be Held Unconstitutional, February 5, 2004 Findlaw.com

Why the Federal Election Commission Should not Limit Contributions to Political Issue Organizations, April 2004 Findlaw.com

Direct feedback on this page to [REDACTED]

[Back to](#)

©2004 Regents of the University of Minnesota. All rights reserved.

Trouble seeing the text? | [Contact U of M](#) | [Privacy](#)

*The University of Minnesota is an equal opportunity educator and employer.*

Last modified on August 28,

221820

Return to: [Law School Intranet](#) : [U of M](#)[One Stop](#) | [Directories](#) | [Search U](#)**WHAT'S INSIDE**[Home](#) > [Faculty & Administration](#)[Logi](#)[Prospective Students](#)[Current Students](#)[Faculty & Staff](#)[Alumni Relations](#)[Giving to the Law School](#)[Law Library](#)[Centers & Programs](#)[Journals & Organizations](#)[Career & Prof Dev](#)[Technology](#)[Events Calendar](#)[Contact the Law School](#)[Law School Home](#)[Search the Law School](#)

[GO](#)[Advanced Search](#)

## Guy-Uriel E. Charles

**Russell M. and Elizabeth M. Bennett Associate Professor of Law**  
 Faculty Affiliate, Center for the Study of Political Psychology, University of Minnesota

Senior Fellow in Law in Politics, Institute for Race and Poverty,  
 University of Minnesota Law School  
*Spring Arbor University, B.A. cum laude*  
*University of Michigan Law School, J.D.*



**Guy-Uriel E. Charles** joined the University of Minnesota in the Fall of 2000. He clerked for The Honorable Damon J. Keith of the United States Court of Appeals for the Sixth Circuit and has taught as an Adjunct Professor at the University of Toledo School of Law prior to joining the University of Minnesota. He was Editor-in-Chief of the *Michigan Journal of Race & Law*.

Professor Charles teaches and writes in the areas of constitutional law, civil procedure, election law, law and politics, and race. His articles have appeared in *Constitutional Commentary*, *The Michigan Law Review*, *The Michigan Journal of Race and Law*, *The Georgetown Law Journal*, the *Journal of Politics*, the *California Law Review*, *The North Carolina Law Review*, among many others. He was the Stanley V. Kinyon Teacher of the Year 2002-2003 at the University of Minnesota Law School.

He was a member of the National Research Commission on Elections and Voting and the Century Four Working Group on Election Reform.

In the Spring of 2005, he will be the James S. Carpentier Visiting Professor of Law, at Columbia University of Law.

He is a frequent television, print, and radio commentator on issues relating to constitutional law, election law, campaign finance, redistricting, politics, and race.

### WORKS-IN-PROGRESS

Race, Representation, and Redistricting

Reexamining Section 5 of the Voting Rights Act (with Prof. Luis Fuentes-Rohwer)

### FORTHCOMING PUBLICATIONS

Regulating Section 527 Organizations (with Prof. Gregg Polsky) (forthcoming *George Washington Law Review*)

### PUBLICATIONS

*Colored Speech: Crossburnings, Epistemics, and the Triumph of the Critics?*, 93 *Geo. L. J.* 575 (2005)

*Judging the Law of Politics*, 103 *Mich. L. Rev.* 1099 (2005)

*Law, Politics, and Judicial Review*, 31 *J. Legis.* 17 (2004)

*In Defense of Deference*, 21 *Const. Comment.* 133 (2004) (with Luis-Fuentes-Rohwer) (symposium)

*Colorblindness from the Original Position*, 78 *Tul. L. Rev.* 2009 (2004) (symposium)

**Deliberative Process  
Privilege**

Karen Lynn-Dyson/EAC/GOV

To Juliet E. Thompson/EAC/GOV@EAC

cc

11/01/2005 03:04 PM

bcc

Subject Chron memo on Job and Tova

Here is the revised memo.

Checked the files- Tally Vote was initiated September 16 and was due back on September 20.

Job and Tova asked about the status of their signed contract on September 20. A series of e-mails were exchanged around September 22 regarding who would be overseeing their contract-(Gavin, Peg, etc.)

Carol Paquette sent several internal e-mails with the altered Statement of Work on the voting fraud and intimidation project, starting on September 21.

Sorry you feel awful- this place just about does you in every October 1

:-)

Hang in there

K



chron for tova and job.doc Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

028178



**Deliberative Process  
Privilege**

Karen Lynn-Dyson/EAC/GOV

08/16/2005 02:52 PM

To Carol A. Paquette/EAC/GOV@EAC, Diana  
Scott/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC  
cc Juliet E. Thompson/EAC/GOV@EAC, Nicole  
Mortellito/CONTRACTOR/EAC/GOV@EAC  
bcc Thomas R. Wilkey/EAC/GOV@EAC  
Subject Finishing touches on the Statement of Work for the Voter  
Fraud/Intimidation consultants

All-

This morning the Commissioners approved the Statement of Work for the Voter Fraud/Voter Intimidation project consultants, with the caveat that some additional language would be added and the SOW polished up.

Tom, Peg and I are scheduled to interview the first candidate tomorrow morning at 10:00 am and will need your edits to this SOW by COB today.

I am attaching the item again, just in case you don't have a copy. Since I have an appointment out of the office and will be leaving at 4:00 today, I ask that you get your changes and edits to Nicole so that she may enter them and get the revised copy to the candidate first thing in the morning.

Thanks for your input on this.



voterfraud project consultants.2.doc

K

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

028179

## **Statement of Work**

### **Assistance with developing an Election Assistance Commission (EAC) Voter Fraud and Voter Intimidation Project**

#### **Background**

Section 241 of HAVA enumerates a number of periodic studies of Election Administrations issues in which the U.S. Election Assistance Commission may elect to engage. In general "On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b), with the goal of promoting methods of voting and administering elections...."

Specifically, Section 241b 6 and 7 describes Election administration issues such as:

6. Nationwide statistics and methods of identifying, deterring and investigating voting fraud in election for Federal offices and
7. Identifying, deterring and investigation methods of voter intimidation.

Building on this HAVA reference to studies of voter fraud and voter intimidation, the EAC Board of Advisors has indicated a priority interest in further study of these issues to determine how the EAC might respond to them.

The U.S. Election Assistance Commission (EAC) seeks to identify senior-level project consultants to develop various project activities and studies related to U.S. election voter fraud and voter intimidation.

The consultant(s) must of have knowledge of voter fraud and intimidation along with an understanding of the complexities, nuances and challenges which surround the topics. The EAC is particularly interested in candidates with experience in elections, with public policy and the law. The consultant (s) must be able to demonstrate an ability to approach the issues of voter fraud and intimidation in a balanced, nonpartisan fashion.

## **Duties**

The consultant (s), whose contract would run for the period September-February, 2005, would be responsible for the following.

1. Performing background research, including a state-by state administrative and case law review related to voter fraud and intimidation, and a review of current voter fraud and intimidation activities taking place with key government agencies, civic and advocacy organizations. This review will be summarized and presented to the EAC.
2. Identifying and convening a working group of key individuals and organizations knowledgeable about the topics of voter fraud and intimidation. The list of working group members and the methods used to identify the groups members will be shared with EAC staff prior to the confirmation of the working group. The working group's goals and objectives and meeting agendas will be vetted with key EAC staff.
3. Developing a project scope of work and a project work plan related to voter fraud and intimidation. Based on research into the topics, the deliberations and findings of the working group, and the consultants' understanding of the EAC's mission and agency objectives, the consultants will develop a draft scope of work and project work plan for the EAC's consideration.
4. Authoring a report summarizing the key findings of this preliminary study of voter fraud and intimidation. The report will also include suggestions for specific activities the EAC may undertake around these topics.

From this initial research and exploration of these topics the consultant (s) may be retained to help oversee follow-on research projects and contracts EAC may develop on the topics of voter fraud and intimidation.

## **Special Considerations**

Work for Hire Agreement (insert language)

## **Terms and Conditions**

The period of performance for this consulting contract is six months, with a fixed price ceiling of \$XXXXXX for labor. The consultant (s) is expected to work at least 200 hours in performing this work. The EAC estimates that the most efficient distribution of these hours would be as follows: XXXXX. The period of performance and level of effort can be revised in writing by mutual agreement of the EAC and the consultant, as required.

## **Statement of Work**

### **Assistance with developing an Election Assistance Commission (EAC) Voter Fraud and Voter Intimidation Project**

#### **Background**

Section 241 of HAVA enumerates a number of periodic studies of Election Administrations issues in which the U.S. Election Assistance Commission may elect to engage. In general "On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b), with the goal of promoting methods of voting and administering elections...."

Specifically, Section 241b 6 and 7 describes Election administration issues such as:

6. Nationwide statistics and methods of identifying, deterring and investigating voting fraud in election for Federal offices and

7. Identifying, deterring and investigation methods of voter intimidation.

Building on this HAVA reference to studies of voter fraud and voter intimidation, the EAC Board of Advisors has indicated a priority interest in further study of these issues to determine how the EAC might respond to them.

The U.S. Election Assistance Commission (EAC) seeks to identify senior-level project consultants to develop various project activities and studies related to U.S. election voter fraud and voter intimidation.

The consultant(s) must of have knowledge of voter fraud and intimidation along with an understanding of the complexities, nuances and challenges which surround the topics. The EAC is particularly interested in candidates with experience in elections, with public policy and the law. The consultant (s) must be able to demonstrate an ability to approach the issues of voter fraud and intimidation in a balanced, nonpartisan fashion.

## **Duties**

The consultant (s), whose contract would run for the period September-February, 2005, would be responsible for the following.

1. Performing background research, including a state-by state administrative and case law review related to voter fraud and intimidation, and a review of current voter fraud and intimidation activities taking place with key government agencies, civic and advocacy organizations. This review will be summarized and presented to the EAC.
2. Identifying and convening a working group of key individuals and organizations knowledgeable about the topics of voter fraud and intimidation. The list of working group members and the methods used to identify the groups members will be shared with EAC staff prior to the confirmation of the working group. The working group's goals and objectives and meeting agendas will be vetted with key EAC staff.
3. Developing a project scope of work and a project work plan related to voter fraud and intimidation. Based on research into the topics, the deliberations and findings of the working group, and the consultants' understanding of the EAC's mission and agency objectives, the consultants will develop a draft scope of work and project work plan for the EAC's consideration.
4. Authoring a report summarizing the key findings of this preliminary study of voter fraud and intimidation. The report will also include suggestions for specific activities the EAC may undertake around these topics.

From this initial research and exploration of these topics the consultant (s) may be retained to help oversee follow-on research projects and contracts EAC may develop on the topics of voter fraud and intimidation.

## **Special Considerations**

Work for Hire Agreement (insert language)

## **Terms and Conditions**

The period of performance for this consulting contract is six months, with a fixed price ceiling of \$XXXXXX for labor. The consultant (s) is expected to work at least 200 hours in performing this work. The EAC estimates that the most efficient distribution of these hours would be as follows: XXXXX. The period of performance and level of effort can be revised in writing by mutual agreement of the EAC and the consultant, as required.

Karen Lynn-Dyson/EAC/GOV  
07/01/2005 11:02 AM

To "Job Serebrov"  
[REDACTED]  
cc Juliet E. Thompson/EAC/GOV@EAC, Thomas R.  
Wilkey/EAC/GOV@EAC  
bcc Paul DeGregorio/EAC/GOV@EAC; Raymundo  
Martinez/EAC/GOV@EAC  
Subject Re: project [REDACTED]

Job-

Thanks ever so much for following up. Indeed, the Commissioners have reviewed the issue and have agreed in principle, to an approach that would entail hiring a consultant or consultants to help the EAC study and frame the issues of voter fraud and intimidation.

The idea would be that after a period of time, the consultants, and, perhaps, a working group of the EAC, would make a series of recommendations on next steps for the agency to take regarding voter fraud and intimidation.

Thanks for your patience; I hope to have a definitive answer for you by mid-July at the latest.

Regards-

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

028184

Karen Lynn-Dyson/EAC/GOV

06/21/2005 12:03 PM

To Thomas R. Wilkey/EAC/GOV@EAC

cc Jeannie Layson/EAC/GOV@EAC

bcc

Subject Employing Tova Wang and others to start writing " Trends in Election Administration"

Tom and Jeannie-

At yesterday's research briefing, the Commissioners approved the concept of a series of scholarly articles that would cover various "Trends in Election Administration"

There was general agreement that the EAC would produce, by the end of this year, two of these articles that might be on topics such as early voting, restoration of felon rights, vote centers, etc.

I'd like to have a brief meeting the end of this week or the beginning of next with you, Jeannie and myself to go over some of the finer points of this idea and to put in place a process to get this project moving.

Shall we meet Friday morning at 11:00?

I'd like for us to identify the writers we want to use and the process we will use to determine the selection of topics for articles. As the Chair suggested, we should also discuss in some detail, the editorial guidelines we will use that will guide the work that our writers will do for us.

Thanks

K

Karen Lynn-Dyson  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

028185


Karen Lynn-Dyson/EAC/GOV

12/14/2006 01:36 PM

To Margaret Sims/EAC/GOV@EAC

cc "Donetta Davidson" <Ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC, "Jeannie Layson" <jlayson@eac.gov>, Juliet E. Thompson/EAC/GOV@EAC,

bcc

Subject Re: People For 

Peg, et.al-

I did not have any interaction with this group.

Karen Lynn-Dyson  
Research Director  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

Margaret

Sims/EAC/GOV

12/14/2006

12:40 PM

To Gracia Hillman/EAC/GOV@EAC

cc "Donetta Davidson" <Ddavidson@eac.gov>, "Jeannie Layson" <jlayson@eac.gov>, Juliet E. Thompson/EAC/GOV@EAC, "Karen Lynn-Dyson" <klynn-dyson@eac.gov>, "Paul DeGregorio" <pdegregorio@eac.gov>, "Sheila Banks" <sbanks@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC

Subject Re: People For Link

Commissioner Hillman:

PFAW was not represented on the Working Group for the Voting Fraud-Voter Intimidation research project. Also, I have had no communications with the organization about the study. I did work with Jeannie and Gavin on a response to PFAW's FOIA request for the study. Jeannie should have the final copy of that reply.

Peggy Sims

028186



Election Research Specialist

Gracia  
Hillman/EAC/GOV

12/14/2006 12:07  
PMDear Commissioner  
Hillman:

To "Paul DeGregorio" <pdegregorio@eac.gov>, "Donetta Davidson" <Ddavidson@eac.gov>, Thomas R.  
Wilkey/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC,  
"Jeannie Layson" <jlayson@eac.gov>, "Karen Lynn-Dyson" <klynn-dyson@eac.gov>  
CC "Sheila Banks" <sbanks@eac.gov>  
Subject People For  
t

I know that People For the American Way delivered petitions to EAC about release of the Fraud report but I need to know what other communications EAC has had with People For about the study.

Was it represented on the study's working group? If so, by whom? Did they write to us and did we answer? Did anybody from there talk with anybody at EAC about the study and our work? Thanks.

-----  
Sent from my BlackBerry Wireless Handheld

028187



"MacSling"

05/08/2007 09:14 AM

To bhancock@eac.gov

cc "Birdseye, Wally"

bcc

Subject RE: CIBER's ITA Position

Brian, nice to meet you yesterday. I am not yet sure on the direction our Practice will grow with e-voting...

The abnormal and unacceptable length of time to get turnarounds on our certification submissions, and the changing standards such that we have to certify to different levels of work than Systest or Wyle, to get their same level of certification, has interfered with our customer relationships and caused our employees to be very nervous, such that they sought our permission to join Wyle while continue to support us on the State of NY work.

The part-time auditor assigned by your group to us is conflicted and has other work. While I agree our July 2006 documentation was deficient to prove the work we were doing in due course met existing Federal standards, we have spent tens of thousands of dollars and many man months to stand up to a new level of documentation, which we believe has been made fully compliant (with the standards sent down for others) by late last year and exceeded in February, which work is yet to be decided upon- 10 weeks after our early submission to your request. After over a decade of dedication to this important work, it is criminal what CIBER has had to endure compared to others to get interim certification.

Had our accreditation been handled as Systest and Wyle, I doubt yesterday's hearing would have been convened to vilify either of us. The inflection point was last December, and we are all paying a price for the inaction and slow action thereto.

The EACs process in this matter has unfairly hung CIBER out to dry and incur damages there from. To reduce further risk, I would encourage the EAC to reply to our February submission asap, accredit us as we have exceeded the levels of criteria Systest and Wyle were subjected to, and move on to the important business of higher standards with NIST on all future accreditations.

Mac Slingerlend

-----Original Message-----

From: bhancock@eac.gov [mailto:bhancock@eac.gov]

Sent: Friday, May 04, 2007 2:42 PM

To: MacSling

Subject: Re: CIBER's ITA Position

Tuesday is fine.

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "MacSling" [mailto:MacSling@eac.gov]

Sent: 05/04/2007 02:27 PM CST

To: "Birdseye, Wally" [mailto:Birdseye, Wally@eac.gov]; Brian Hancock

Jeannie Layson /EAC/GOV  
12/13/2006 02:52 PM

To pdegregorio@eac.gov, ghillman@eac.gov,  
ddavidson@eac.gov  
cc twilkey@eac.gov, jthompson@eac.gov, ggilmour@eac.gov,  
psims@eac.gov  
bcc

Subject Fw: Your Dec. 11 Posting

History: This message has been replied to.

Commissioners,  
Would you like me to request that he post my response?

----- Forwarded by Jeannie Layson/EAC/GOV on 12/13/2006 02:48 PM -----  
"Rick Hasen" [REDACTED]

12/13/2006 02:44 PM

To jlayson@eac.gov  
cc  
Subject Re: Your Dec. 11 Posting

I'd be happy to print your email on my blog (leaving off your phone number, of course). Let me know if you'd like me to do so.

As far as contacting you before I blog about the FEC, I don't think I see myself as a journalist who has an obligation to do so before expressing my opinions. However, I do welcome you sending me comments, and generally speaking I'd be happy to reproduce those comments on the blog if you like.

Rick

jlayson@eac.gov wrote:

Mr. Hasen,  
I write to point out incorrect information you posted on your website on December 11, 2006. You wrote: "Note what's missing compared to the earlier version leaked to the USA Today Newspaper." No one at the EAC leaked anything to USA Today. The reporter asked for a copy of the staff report about the fraud

028190

research that was presented at a public meeting in May to our Board of Advisors and the Standards Board, and the EAC provided it to him. This information was presented and discussed at a meeting that was open to the public, so we provided materials distributed at the meeting to anyone who requested it. The staff report about the fraud project was also distributed to the members of both advisory boards. Go here to view the Federal Register notice about the public meeting at which this project and many others were discussed.

The statement you attribute to one of the consultants is absolutely correct. As stated by their contract, these consultants were hired so that the EAC could "...obtain consulting services from an individual who can provide advice drawn from broad professional and technical experience in the area of voter fraud and intimidation."

As for your reference to what's "missing compared to the earlier version," the report contains the summaries of every interview conducted by the consultants as well as every book, article, report or case that was reviewed. It does not contain the synopsis of those interviews, which were written by the consultants. EAC provided the individual summaries so readers could reach their own conclusions about the substance of the interviews.

EAC's interpretation of HAVA and its determination of what it will study and how it will use its resources to study it are matters of agency policy and decision. These are not, nor should they be, determinations or decisions made by consultants. The EAC has the ultimate responsibility for the reports it issues, and it is incumbent upon the agency to conduct due diligence to ensure reports, data or any other information is complete and accurate before it is adopted by the Commission.

As someone with a public platform who writes about matters regarding election administration, I would appreciate it if you would consider extending the same professional courtesy most journalists do and contact the agency if you have questions or concerns in the future about EAC policy or actions. You may reach me directly at 202-566-3103 if I can ever be of assistance. Thank you for your consideration in this matter.

Sincerely,  
Jeannie Layson  
Director of Communications  
US Election Assistance Commission

Jeannie Layson  
U.S. Election Assistance Commission  
1225 New York Ave., NW  
Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100  
[www.eac.gov](http://www.eac.gov)

--

Rick Hasen  
William H. Hannon Distinguished Professor of Law  
[REDACTED]  
[REDACTED]  
Los Angeles, CA 90015-1211  
[REDACTED]  
[REDACTED]  
[REDACTED]